



Planning Commission
Brooklyn Park Council Chambers
5200 85th Avenue North

Wednesday, September 13th, 2023
7:00 p.m.

PLANNING COMMISSION REGULAR MEETING – AGENDA

Commissioners: Chair Liam Cavin, Vice Chair Kathy Fraser, General Officer John Kiekow, Christopher Udomah, Philip Gaye-Bai, Teshite Wako, Maggie Borer, Shereese Turner, Jerry Yu.
Staff Liaison Paul Mogush, Amber Turnquest, Erin McDermott and Matt Hayes-Regan.

Members of the public can monitor the meeting by watching it on CCX Media Channel 16 or by livestreaming it at https://nwscbc-brooklynpark.granicus.com/ViewPublisher.php?view_id=5.

Anyone who wants to address the Planning Commission during the Public Comment period may do so in person or by calling **763-493-8056** or emailing planning@brooklynpark.org by 4:00 p.m. on the meeting day. You will be asked to provide your name, address, email, and phone number. You will then be registered to speak during the Public Comment period or on the agenda item and will be provided the call in number to address the Planning Commission.

For reasonable accommodations or alternative formats, please provide a 72-hour notice by calling 763-424-8000 or emailing Josie.Shardlow@brooklynpark.org. Si usted necesita esta información en español, llame al 763-424-8000 y solicite un intérprete. Yog xav tau kev pab, hu 763-493-8059.

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. EXPLANATION BY CHAIR**

Please be advised that the public hearings are recorded and televised live on cable television and web-streamed over the internet at brooklynpark.org. 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 go to the podium or, if participating remotely, turn on your camera; speak into the microphone, stating your full name and address. Please sign the public hearing logbook on the table near the entrance to the Council Chambers if you are attending in person to ensure accuracy of name and address in the public record. 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. Thank you in advance for your cooperation.

The Planning Commission consists of nine resident-volunteer members appointed by the City Council to advise the City Council on planning and land use issues. The Commission discusses and evaluates development proposals based on zoning regulations and comprehensive plan policies. The Planning Commission vote is a recommendation that is forwarded to the City Council for official and final action.

- 4. APPROVAL OF AGENDA**
- 5. CONSENT AGENDA**

5.1. Approval of Minutes – September 13, 2023 Regular Meeting

6. PUBLIC HEARING

6.1 6317 Welcome - Conditional Use Permit, #23-111 for an auto oriented repair service on a property zoned BP – Business Park.

Presented by: Erin McDermott

6.2 169 Logistics – Variance #23-116 for a second monument sign.

Presented by: Amber Turnquest

6.3 610 Corridor –Zoning Text Amendment #23-112 adopting a zoning text and map amendment to adopt the Mixed Use and Pedestrian Priority Overlay Districts.

Presented by: Paul Mogush

7. OTHER BUSINESS

8. DISCUSSION ITEMS

9. INFORMATION ITEMS

A. Council Comments

B. Commission Comments

C. Staff Comments

10. ADJOURNMENT

UNAPPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – September 13, 2023



1. CALL TO ORDER

The meeting was called to order at 7:05 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Cavin, Borer, Fraser, Gaye-Bai, Kiekow, Udomah, and Wako; Council Liaison Ton McGarvey; Planning Director Mogush; Principal Planner Turnquest; and Associate Planner McDermott.

Those arrived late: None

3. EXPLANATION BY CHAIR

4. APPROVAL OF AGENDA

MOTION BORER, SECOND FRASER, TO APPROVE THE SEPTEMBER 13, 2023 AGENDA.

MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

A. Minutes – August 9, 2023

MOTION WAKO, SECOND GAYE-BAI, TO APPROVE THE SEPTEMBER 13, 2023 CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARING

A. Penske – Conditional Use Permit #23-114 for an auto oriented repair service on a property zoned I - Industrial

Associate Planner McDermott introduced the application for a Conditional Use Permit (CUP) from Penske for the operation of an auto oriented repair facility at the property located at 7204 Winnetka Avenue. She reviewed surrounding uses as well as the industrial zoning of the subject property and neighboring properties. She commented that this use is allowed in the zoning district through the use of a CUP. She stated that staff recommends approval of the request and noted that development is not associated with the request at this time, noting that will follow the typical public hearing process once the property sale is completed.

Commission Chair Cavin opened the public hearing.

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

MOTION UDOMAH, SECOND KIEKOW, TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR AN AUTO ORIENTED REPAIR SERVICE, SUBJECT TO CONDITIONS CONTAINED IN THE DRAFT RESOLUTION.

FURTHER DISCUSSION: COMMISSIONER WAKO ASKED FOR DETAILS ON THE NEW OWNER AND PENDING PURCHASE.

ASSOCIATE PLANNER MCDERMOTT REPLIED THE PENSKE WILL BE THE NEW OWNER OF THE PROPERTY, AS THEY CURRENTLY OWN THE ADJACENT SITE. SHE EXPLAINED THAT THE CURRENT CUP HAS EXPIRED AS THE PROPERTY WAS NOT USED FOR THAT PURPOSE FOR OVER ONE YEAR. SHE NOTED THAT THIS WOULD BE THE SAME USE THE PROPERTY WAS DEVELOPED FOR BUT A NEW CUP WOULD BE REQUIRED AS THE PREVIOUS CUP EXPIRED.

MOTION CARRIED UNANIMOUSLY.

B. Events on 85th – Conditional Use Permit #23-115 for an assembly, banquet, convention hall, or conference center at 8568 Edinburgh Centre Drive

Principal Planner Turnquest introduced the application for a Conditional Use Permit for an event center to be located at 8568 Edinburgh Centre Drive. She reviewed the subject property location, zoning and surrounding uses. She stated that this business has existed in the community through the use of temporary space and as the business has grown a more permanent location is being sought in an existing building. She stated that no demolition or construction would be needed and there would be a posted occupancy of 125 people. The request would be for an alcohol-free event center and food will not be prepared onsite. Staff recommends approval with the conditions listed in the draft resolution.

Commission Chair Cavin opened the public hearing.

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

Commissioner Kiekow asked if alcohol would not be served at the facility or whether it would not be allowed on the premises.

Laquita Brinkley, applicant, replied that alcohol would not be allowed on the premises and would not be served.

Commissioner Kiekow asked the police call record for the past few years of operation.

Ms. Brinkley replied that they have had zero police calls for her events.

Commissioner Borer asked if the applicant hosts the events or rents the space to other parties.

Ms. Brinkley replied that she is the event planner and typically sets up the event and then comes back to break down the event.

Commissioner Borer asked if there is security onsite for events.

Ms. Brinkley replied that she does not have security because there is not alcohol involved. She commented that anytime she has hosted events with alcohol, she has had security onsite.

Commissioner Fraser asked if there is music at the events.

Ms. Brinkley replied that there is music at the events.

Commissioner Fraser asked for details on noise ordinances from staff.

Principal Planner Turnquest commented that the hours of operation would comply with the zoning ordinances and with the appropriate times.

Commission Chair Cavin asked for details on the typical clients of the business.

Ms. Brinkley replied that she hosts birthday parties, baby showers and other small intimate private gatherings.

Commission Chair Cavin asked and received confirmation that the maximum allowed occupancy would meet the needs of the business. He asked if the available parking would also meet the demand of the business.

Principal Planner Turnquest replied that the City has reviewed the plans and determined that the parking would be adequate given the difference in hours between the other businesses in the area.

Commissioner Turner asked if the vendors the business works with would have food permits.

Ms. Brinkley replied that in the contract she would stipulate that the client would be required to obtain a licensed caterer.

MOTION WAKO, SECOND UDOMAH, TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ASSEMBLY, BANQUET, CONVENTION HALL, OR CONFERENCE CENTER AT 8568 EDINBURGH CENTRE DRIVE, SUBJECT TO CONDITIONS CONTAINED IN THE DRAFT RESOLUTION.

MOTION CARRIED UNANIMOUSLY.

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on September 25, 2023.

C. First Student – Variance #23-113 for a 10-foot electric fence.

Associate Planner McDermott introduced the application for First Student. She reviewed the subject site location and noted that the applicant seeks a variance for the height of the fence along with a deviation on the prohibition of electric fences. She provided details on the subject property, surrounding uses, and zoning. She stated that the applicant would propose to install an electric fence behind the current chain link fence. She reviewed the three-factor test required for a variance consideration and explained how this request would not meet the factors for a practical

difficulty. She commented that staff believes this request to be inconsistent with the zoning ordinance and therefore does not support the request.

Michael Pate, representing the applicant, introduced himself and explained that his business is hired to guard large yards, such as school buses. He explained that people camp out and do drugs in the buses and also cut the catalytic converters from the buses. He commented that this is an issue of public safety. He explained how the electric fence would be powered and how the silent alarm protocol would work. He explained that this process helps to deter issues and police involvement. He commented that it is reasonable to protect assets, and this is unique property because it backs up to the wetland. He commented that this will not alert the character of an industrial site in an industrial area. He stated that this simply creates a safe area for this business to operate. He commented that this is not a fence, but a security system. He commented that this is a safe and effective device and is held to the same standard as any other electrical system. He stated that he has been in this business since 1990 and there has never been an injury or death associated with these devices. He asked the Commission to approve the request to allow the business to continue to operate in this location. He acknowledged that they do need a little height to operate this system as it would prevent someone from jumping the fence. He noted that there are different fence heights around the property, and they need two feet above that, therefore they could utilize eight feet in height where the six-foot fence exists. He noted that there are required signs that would be placed every 30 feet, warning people not to touch the fence. He stated that people would be unable to touch the fence unless they had already jumped the perimeter fence.

Commission Chair Cavin opened the public hearing.

Phil O'Donnel, First Student, commented that their company transports children, and they need to keep the buses as safe as they can. He noted a break in that occurred after the last Thanksgiving break, where 11 buses had catalytic converters cut off of them. He commented that there is also a safety risk in people tampering with buses that transport children. He stated that they researched options for security and this was the solution they have found.

Tim Metzger commented that his family owns the building that First Student operates out of and recognized that things have changed over time in this area. He stated that he is open to this solution as he wants the business to remain and does not want his property to be involved in a bad incident.

Commission Chair Cavin closed the public hearing but reminded the public that comments can be submitted via email to City Staff for consideration in the City Council agenda packet.

Commissioner Udomah appreciated the input of the applicants but stated that he is skeptical on the length of security requested to resolve this issue. He understands the issue with catalytic converter theft but was concerned with the use of electric fence as that is not even used around prisons. He asked for alternatives that were considered and perhaps disregarded before they reached this option.

Mr. O'Donnel commented that they contracted with the off-duty police for a while after the break-in and reviewed security systems, but felt that they would need to protect the property full-time without the use of personnel on site at all times. He commented that they felt that this was an option to protect the property at all times without requiring someone to be onsite at all times.

Commissioner Wako recognized the request to increase the height of the fence to ten feet and to electrify the fence. He asked for more details on the circumstance of the break-in and whether there is camera footage.

Mr. O'Donnel commented that they did not have a security system at that time and therefore do not have footage of the incident. He stated that they also do not currently have a security system.

Commissioner Wako stated that public safety is mentioned in the presentation, recognizing the importance of the safety of the children being transported, but asked about the safety of the children in the area that might be playing near the site.

Mr. Pate commented that there is a perimeter barrier prior to the electric fence which would prevent someone from touching the fence from the outside of the property. He noted that the fence would not be operated during business hours and would only be turned on during non-business hours. He commented that if there were a child walking through the industrial area during the night, they still could not touch the electric fence without going over the six-foot perimeter fence. He commented that if someone climbs over the six foot fence, they would be trespassing. He stated that there would be signage posted on the electric fence and even if someone were to touch the fence, they would not be injured.

Commissioner Wako asked for more input on the issue of reasonability when a security system has not been tried prior to requesting an electric fence.

Mr. Pate commented that there is already a six-foot security fence. He commented that a camera system would record a crime, but would not stop a crime and perhaps would not even identify the people committing the crime whereas this system is meant to prevent crime from occurring. He stated that there have been off-duty police providing security in the past, which is security. He commented that this system would make the neighborhood safer. He commented that this system has been tested, is safe, and meets the required standards.

Commissioner Gaye-Bai asked what other companies use this type of system.

Mr. Pate replied that he has over 700 sites using this system including almost every major trucking company and almost every equipment rental company. He provided examples of companies within Minnesota using his systems such as FedEx and UPS and Co-Part in Fridley. He stated that automobile yards also use his system.

Commissioner Kiekow asked if any other systems have been considered, providing some examples. He asked if there are flood lights on the lot.

Mr. O'Donnel confirmed that the lot is adequately lit with a fence around the property.

Commissioner Kiekow asked if monitored cameras were considered.

Mr. O'Donnel commented that they did look at that option but has not had great experience with that in other locations. He stated that First Student uses this type of system in other locations and that is why they requested to use it in this location.

Commissioner Kiekow commented that he has managed sites more dangerous than this and they did not use electrified wires. He noted that they used eight-foot fences and monitored cameras. He commented that this would seem to be the highest-powered option without looking at other options. He noted that perhaps increasing the lighting would deter theft along with security patrols. He commented that Brooklyn Park does not have electric fences, razor wire or barbed wire. He did not think that this has been fully vetted to find a solution that would work and would be acceptable to the community.

Commission Chair Cavin asked how often there have been break ins or whether that was a one-time event.

Mr. O'Donnel commented that while it was a one-time event, when you are transporting children one event is significant.

Commissioner Borer commented that the height stands out the most along with the fact that the fence is electrified. She stated that having someone camp out in a bus or finding needles in a bus would be troublesome as the business transports children. She also recognized the difficulty in trying different things that may not work and therefore would support this request as she believes that something needs to be done. She stated that the City needs to make a stand and protect business owners and therefore supports this request.

Commissioner Udomah stated that he is still yet to be entirely convinced. He asked if the people that stole catalytic converters are professional thieves, noting that can happen out in the daylight as it is a quick process. He commented that an electrified fence is like a net in the ocean, catching everything. He recognized the intent to protect children, but noted that they also want to protect children that may be in the neighborhood and see it as a challenge.

Mr. Pate commented that this is not a scalable device, and provided additional details. He commented that these young children are not going to be out there in this area during the middle of the night when the fence would be turned on. He stated that if someone were to attempt to break into the property, this would stop them. He commented that this system is used by First Student in almost 60 of its other centers because it is the most effective and economical way to protect the property.

Commissioner Udomah asked why the electric fence is required if the alarm is triggered.

Mr. Pate commented that the alarm is not triggered until five consecutive attempts are made.

Commissioner Turner appreciated the hardships, recognizing that this could be a hardship for parents as well as vandalism of school transportation impacts parents as well. She asked where the panels would be located.

Mr. Pate replied that they would have a solar array and provided additional details on how the system works using wi-fi.

Commissioner Turner commented that she has had her catalytic converter stolen and her workplace has experienced that issue during the day as well, therefore this is a broad issue.

Commissioner Wako commented that this seems to be untested territory in terms of electrifying a fence and believed there are other measures that could be attempted before moving to this step. He noted that there has only been one instance that has occurred on this property.

MOTION CAVIN, SECOND KIEKOW, TO ADOPT FINDINGS OF FACT FOR THE DENIAL OF A VARIANCE REQUEST FOR A HEIGHT INCREASE OF 18 INCHES FROM 8 FEET 6 INCHES TO 10 FEET AND DEVIATION FROM THE PROHIBITION OF ELECTRIC FENCES FOR AN ELECTRIC FENCE AT 7225 WINNETKA AVENUE NORTH, SUBJECT TO THE CONDITIONS IN THE DRAFT RESOLUTION.

A ROLL CALL VOTE WAS PERFORMED:

COMMISSION CHAIR CAVIN	AYE
COMMISSIONER WAKO	AYE
COMMISSIONER BORER	NAY
COMMISSIONER KIEKOW	AYE
COMMISSIONER FRASER	AYE
COMMISSIONER UDOMAH	AYE
COMMISSIONER GAYE-BAI	AYE
COMMISSIONER TURNER	NAY

MOTION CARRIED.

7. OTHER BUSINESS

Commission Chair Cavin welcomed the new City Council Liaison.

8. DISCUSSION ITEMS

None.

9. INFORMATION ITEMS

A. Council Comments

Council Liaison McGarvey provided an update on recent City Council actions previously considered by the Planning Commission.

B. Commission comments

None.

C. Staff Comments

Planning Director Mogush welcomed Councilmember McGarvey as the new liaison. He commented that staff is not planning a work session later this month.

10. ADJOURNMENT

Commission Chair Cavin adjourned the meeting at 8:08 PM.

Respectfully submitted,

Paul Mogush
Planning Director

City of Brooklyn Park Planning Commission Staff Report

Agenda Item:	6.1	Meeting Date:	October 11, 2023
Agenda Section:	Public Hearing	Originating Department:	Community Development
Resolution:	X	Prepared By:	Erin McDermott, Associate Planner
Ordinance:	X		
Attachments:	5	Presented By:	Erin McDermott, Associate Planner
Item:	6317 Welcome Ave - Conditional Use Permit, #23-111 for an auto oriented repair service on a property zoned BP – Business Park.		

Proposed Actions

MOTION _____ SECOND _____ TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR AN AUTO ORIENTED REPAIR SERVICE, SUBJECT TO CONDITIONS CONTAINED IN THE DRAFT RESOLUTION.

Summary

The property owner, Caspian Tigers, LLC. has been operating auto oriented repair services out of this property, as well as the adjacent property to the south which is under the same ownership. This application is to bring the subject property into compliance, as there has never been a Conditional Use Permit issued to this site for the operation of an auto oriented repair service. . The property to the south was issued a Conditional Use Permit in 1989 (CUP #1989-3442), at which time the properties were under separate ownership. The site plan provided by the applicant indicates there are 18 tenancies in this building.

This property has been the subject of joint enforcement efforts of the Environmental Health Division, and the Brooklyn Park Police Department, who recommended conditions be added to increase safety impacts on the neighborhood. The primary safety concern impacting the surrounding neighborhood is on-street parking, which is posing concerns about the safety of children living in the neighborhood as they walk to and from Fair Oaks Elementary school, a public school a block to the north of the subject property.. Additional concerns with this property is the impact of outdoor storage of junk vehicles and tires, which are both a public nuisance and an eyesore, as well as negative traffic impacts with the delivery of vehicles as many tow companies are leaving vehicles to be repaired on the street which can hinder traffic and impedes the vision of motorists navigating Welcome Ave. City staff is working with the property owner to mitigate the impacts on this neighborhood through the CUP process.

There is no development proposed at this time. The applicant is in the process of working with the Environmental Health team to bring this property into compliance. The existing structures are sufficient for the intended use of vehicle repair and body work.

Previous Approvals

This parcel was created by the subdivision named “Coopers Industrial Park” in 1969, and was developed through site plan review in 1980. Auto oriented repair was a conditional use at the time of development, at which time there was no conditional use approved for this structure.

Current Conditions

The subject property is 1.83 acres and is located west of Welcome Avenue, north of 63rd Avenue, and south of 65th Avenue. This property is adjacent to the Towns Edge Village development, which was developed in 1972.

Future Land Use Plan	Business Park
Current Zoning	Business Park
Proposed Zoning	No Change
Neighborhood	Lakeland Park
Site Area	1.83 acres

Conforms to:	
Land Use Plan	Yes
Zoning Code	Yes
Notification	53 Public Hearing Notices mailed Posted in the Sun Post Neighborhood emails sent
Timeline (MN §15.99)	
60-day	October 15, 2023
120-day	December 14, 2023

Land Use/Zoning and Overlay

The site is zoned Business Park and is within the Lakeland Park neighborhood. The future land use for the property is Business Park.

Conditional Use Permit

Auto Oriented Repair services are a conditional use in the Business Park zoning district (§ 152.342.01). Conditional uses must be reviewed against the standards of the Code (§ 152.035). The use is evaluated below:

(D) Review Standards. The request may address the following factors, although the City Council, the Planning Commission, and city staff has the authority to request additional information from the applicant concerning operational factors pertaining to the proposed use or to retain experts with the consent and at the expense of the applicant concerning operational factors, when necessary to establish performance conditions to effect the intent of this chapter.

(1) Comprehensive Plan. Compliance with the Comprehensive Plan, public facilities and capital improvement plans, and all sections of the City Code.

The Future Land Use of the Brooklyn Park 2040 Comprehensive Plan guides the property as Business Park. The Business Park uses include light industrial, with medium and high intensity uses. The Comprehensive Plan lists the focus of this land use as job creation. The intent is to minimize negative impacts on residential neighborhoods. Auto oriented repair service is consistent with the Comprehensive Plan.

(2) Traffic. The generation and characteristics of the traffic associated with the use and its impact on the traffic volumes of and safety associated with driveway location on adjacent roads, sidewalks and trail connections.

Vehicular access to the site is available from two points along Welcome Avenue, the first on the north side of the property, and the second from a shared access point on the adjacent property to the south.

(3) Parking. The characteristics of the parking area of the use, including the number and design of parking spaces, landscaping, traffic circulation, drainage, and lighting. The city may require additional parking above that required in § 152.140 through 152.146.

The code does not prescribe a number of parking spaces needed for auto oriented repair services, however, to remain consistent with the approvals of the adjacent property, the parking of vehicles requiring repair services is prohibited on site overnight. The provided site plan, and original approvals show this property has 70 parking spaces, which would grant 3.8 spaces per tenancy.

There have been numerous complaints regarding on-street parking related to the tenants of this property, to resolve this issue and preserve the public health and safety of this neighborhood, a condition of no street parking has been highly recommended by both the

Engineering Division and Police Department. The applicant provided a copy of a towing agreement that was put in place July 31, 2023 with a local towing service they are contracting with to resolve the ongoing on-street parking issue.

- (4) ***City services.*** The provision of adequate public facilities and services to the site where the use is proposed and the ability of the existing infrastructure to absorb the additional demand for city services.

As this request is to continue operating existing businesses, there is no additional need for public services, and compliance with CUP conditions will reduce staff time spent at this property.

- (5) ***Screening and landscaping.*** The ability to screen and buffer incompatible off-site impacts of the proposed use on adjacent property and the surrounding neighborhood. The city may require additional landscaping or screening above that required in the specific zoning district.

This site is nonconforming with current standards, however, with no proposed physical improvements to the site there is no request for improvements for landscaping or screening at this time.

- (6) ***Architectural standards.*** The degree that the site or building associated with the proposed use meets or exceed the architectural design and landscaping standards for the district in which it is located. The city may require additional architectural standards above those required in the specific zoning district.

This site is nonconforming with current standards, however, with no proposed physical improvements to the site there is no request for improvements to architectural standards at this time.

- (7) ***Other sections of the city code.*** The applicant may be required to submit additional information demonstrating that the development is able to comply with any other applicable section of this chapter or the city code.

There are no additional code sections against which to review this CUP request.

The required findings of § 152.035 have been addressed and Staff recommends approval of the CUP request.

Pedestrian Connections

Pedestrian circulation is required when properties meet certain criteria, such as traffic volumes, roadway connections from a neighborhood to commercial area, and in business districts. This does not meet the criteria set for required locations, as this property is located firmly within an Industrial development (§ 152.131) and no sidewalk is required at this time.

Lighting, Landscaping and Screening

No development is proposed with this application and the Code requirements for lighting (§ 152.110) and landscaping and screening (§ 152.370) are consistent with the original approvals of this site.

Grading and Drainage

No development is proposed with this application, there are no known compliance issues regarding grading and drainage on this site.

Conditions of Approval

Staff recommends the adoption of Resolutions 23-____ Approving a Conditional Use Permit for an Auto Oriented Repair Service at 6317 Welcome Avenue North with the following conditions:

1. All vehicles parked on this property must be parked on a paved surface.
2. Outdoor storage of tires and parts is not permitted.
3. The storage of vehicles for the sole purpose of salvage or recycling of parts is prohibited.
4. Parking of any vehicles associated with the business must be on site. On-street parking is prohibited. Double parking of vehicles is prohibited.
5. Deliveries and vehicle drop-offs must occur within designated loading areas on the property, on-street loading or deliveries are prohibited.
6. All vehicular repairs must occur within the building, screened from public view.
7. Vehicle sales are prohibited on this property.
8. The property must remain compliant with the property maintenance code.
9. The property must remain compliant with all fire safety protocols.
10. Tenancies must be clearly marked with business names, hours and contact number.
11. All previously approved conditional use permits are hereby rescinded and replaced with this conditional use permit.

Staff Recommendation

Staff recommends approval of the conditional use permit with the conditions listed in the attached draft resolution.

Alternatives to Consider:

1. Approve the Conditional Use Permit as presented.
2. Approve the Conditional Use Permit with modifications.
3. Deny the Conditional Use Permit based on certain findings.

Budgetary/Fiscal Issues: N/A

Attachments:

- A. DRAFT RESOLUTION – AUTO ORIENTED REPAIR
- B. LOCATION MAP
- C. 6301 WELCOME CUP
- D. APPLICANT SUBMISSION

RESOLUTION #2023-____

RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR AN AUTO ORIENTED REPAIR FACILITY AT 6317 WELCOME AVENUE

Planning Commission File #23-111

WHEREAS, Caspian Tigers, LLC has made application for a Conditional Use Permit under the provisions of Chapter 152 of the City Code on property legally described as:

Lot 5 Block 1 of Coopers Industrial Park, Hennepin County, Minnesota.

WHEREAS, the proposed development is consistent with the purposes of the Zoning District and the Comprehensive Plan; and

WHEREAS, the matter has been referred to the Planning Commission public hearing and who have given their advice and recommendation to the City Council; and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions, and its effect on the neighborhood have been considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that a Conditional Use Permit is hereby approved for an auto oriented repair facility on the above described parcel, subject to the following:

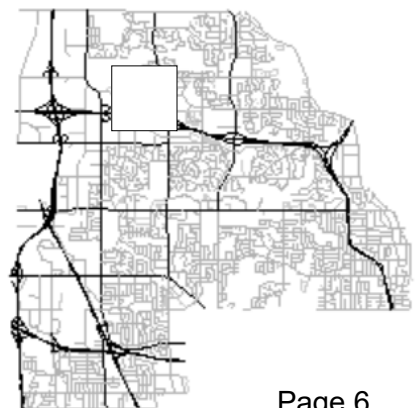
1. All vehicles parked on this property must be parked on a paved surface.
2. Outdoor storage of tires and parts is not permitted.
3. The storage of vehicles for the sole purpose of salvage or recycling of parts is prohibited.
4. Parking of any vehicles associated with the business must be on site. On-street parking is prohibited. Double parking of vehicles is prohibited.
5. Deliveries and vehicle drop-offs must occur within designated loading areas on the property, on-street loading or deliveries are prohibited.
6. All vehicular repairs must occur within the building, screened from public view.
7. Vehicle sales are prohibited on this property.
8. The property must remain compliant with the property maintenance code.
9. The property must remain compliant with all fire safety protocols.
10. Tenancies must be clearly marked with business names, hours and contact number.
11. All previously approved conditional use permits are hereby rescinded and replaced with this conditional use permit.

The petitioner shall be required to record a copy of this resolution with the Hennepin County Recorder and to pay all fees for said recording. Proof of said recording shall be filed promptly with the City.



Conditional Use Permit – Auto Oriented Repair
Case #23-111 – 6317 Welcome Ave
 Area of Request (Spring 2018 Air Photo)
 6317 Welcome Ave

Brooklyn Park 



RESOLUTION #1989-198

RESOLUTION GRANTING CONDITIONAL USE PERMIT #1989-3442
FOR AUTO BODY REPAIR
DAN PETTIS
6301 WELCOME AVENUE NORTH

WHEREAS, application has been made for a Conditional Use Permit under the provisions of Section 366 and 364.02 of the City Code on property legally described as:

Lots 5 and 6, Block 1, COOPER'S INDUSTRIAL PARK, Hennepin County, Minnesota.

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions and its effect on property values in the neighborhood has been considered,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. It is hereby determined that the proposed development is in harmony with the general purposes and interest of the Zoning Ordinances of the City.
2. The Conditional Use Permit is granted to Dan Pettis (Detail Collision Center) in accordance with the conditions set forth in Exhibit Z which is made a part of this resolution by reference and is on file and can be examined in the City Clerk's Office. This property is subject to the terms set forth in Exhibit Z.
3. That the petitioner shall be required to record a copy of this resolution with the Hennepin County Recorder and/or Registrar of Titles and to pay all fees for said recording and shall file proof of said recording with the City. The building permit shall not be issued until or unless the recording is made within one year from the date of this approval.

The foregoing resolution was introduced by Council Member Slack and duly seconded by Council Member Enge.
The following voted in favor of the resolution: Krautkremer, Engh, Slack, Marshall, Gustafson, Enge and Stromberg.
The following voted against: None.
The following were absent: None.
Whereupon the resolution was adopted.

ADOPTED: JULY 24, 1989


JAMES KRAUTKREMER, MAYOR

CERTIFICATE

STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BROOKLYN PARK

I, the undersigned, being the duly qualified and acting Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on July 24, 1989.

WITNESS my hand officially as such Clerk and the corporate seal of the City this 25th day of July, 1989.


MYRNA MAIKKULA, CITY CLERK

(SEAL)

REQUEST FOR COUNCIL ACTION



AGENDA SECTION:	PLANNING	MEETING DATE: 7-24-89
ITEM:	PETTIS, DAN, C.U.P. #1989-3442 for auto body repair at 6301 Welcome Ave. No.	AGENDA NO: 5.2
		ORIGINATING DEPARTMENT: COMMUNITY DEVELOPMENT
		BY: T. Bakritges

BACKGROUND INFORMATION FOR 7-24-89:

The applicant is requesting a Conditional Use Permit to operate an automobile repair business in 3,900 square feet of an existing building on Welcome Avenue North in the Cooper's Industrial Park.

The main issue here is the many exposed garbage dumpsters being seen from 63rd Avenue North. The trash enclosure can be constructed within the berm so the view of the enclosure structure would not greatly affect any of the business owners and the motoring public on 63rd Avenue North. This one large enclosed dumpster could serve all the individual businesses facing 63rd Avenue North. Creating this central facility minimizes traffic conflicts with the dumpster location and directly improves the view of the building from 63rd Avenue North.

2-323 8:45
The Planning Commission unanimously recommended approval.

ACTION REQUESTED BY THE CITY COUNCIL ON 7-24-89:

MOTION *Slack* / SECOND *Engel* TO WAIVE THE READING AND ADOPT RESOLUTION #1989-*148* APPROVING CONDITIONAL USE PERMIT #1989-3442 FOR AUTO BODY REPAIR AT 6301 WELCOME AVENUE NORTH FOR DAN PETTIS (DETAIL COLLISION CENTER).

MPU

RESOLUTION #1989-

**RESOLUTION GRANTING CONDITIONAL USE PERMIT #1989-3442
FOR AUTO BODY REPAIR
DAN PETTIS
6301 WELCOME AVENUE NORTH**

WHEREAS, application has been made for a Conditional Use Permit under the provisions of Section 366 and 364.02 of the City Code on property legally described as:

Lots 5 and 6, Block 1, COOPER'S INDUSTRIAL PARK, Hennepin County, Minnesota.

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions and its effect on property values in the neighborhood has been considered,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

- 1. It is hereby determined that the proposed development is in harmony with the general purposes and interest of the Zoning Ordinances of the City.**
- 2. The Conditional Use Permit is granted to Dan Pettis (Detail Collision Center) in accordance with the conditions set forth in Exhibit Z which is made a part of this resolution by reference and is on file and can be examined in the City Clerk's Office. This property is subject to the terms set forth in Exhibit Z.**
- 3. That the petitioner shall be required to record a copy of this resolution with the Hennepin County Recorder and/or Registrar of Titles and to pay all fees for said recording and shall file proof of said recording with the City. The Building permit shall not be issued until or unless the recording is made within one year from the date of this approval.**

EXHIBIT Z

CONDITIONAL USE PERMIT #1989-3442
FOR AUTO BODY REPAIR
DAN PETTIS (DETAIL COLLISION CENTER)
6301 WELCOME AVENUE NORTH

This Conditional Use Permit #1989-3442 was approved by the City Council on July 24, 1989, subject to the following terms:

REQUIRED PLANS

1. This Conditional Use Permit #1989-3442 for an auto body repair facility as shown on site plans dated September 28, 1979, stamped as Received by the City of Brooklyn Park Planning Commission May 4, 1989, and marked "Exhibit A". "Exhibit A" is attached to this permit and made a part hereto.

BONDS, ESCROWS AND DIRECT PAYMENTS

2. A cash bond in the amount of \$2,000.00 must be posted with the City. The cash bond or letter of credit must be dated to expire the same as the development contract and shall have a maintenance clause guaranteeing work for one year after acceptance. This bond guarantees that the developer will construct or install the following:
 - A. A separate fireproof three-sided enclosure six feet in height on a concrete pad with an exterior finish that shall match the finish of the building and secured with a chainlink gate with wooden slats, or a metal gate, located to the south of the building. The trash enclosure can be constructed within the berm.
 - a. The interior of the dumpster area will have to be constructed of masonry, and;
 - b. The sides and bottom of the dumpster enclosure must be treated with an epoxy finish per Health Department requirements.

EXHIBIT Z, Page 2 of 4
Dan Pettis, C.U.P. #1989-3442

REQUIRED DOCUMENTS

3. A Developer's Contract relating to the items covered in the developer's bond shall be signed by the developer and shall be marked as "Exhibit B". "Exhibit B" is attached to this permit and made a part hereof.

GENERAL CONDITIONS

4. It shall be the developer's responsibility to keep active and up to date the developers contract and financial surety (letters of credit, bonds, etc.). These documents must remain active until the developer has been released from any further obligation by City Council motion received in writing from the Engineering Division.
5. Signage shall be limited to a wall sign on the south elevation. This wall sign shall not exceed ten percent of the bay's wall area and the signage shall be individual letters, with permanent lettering which is affixed to the exterior wall of a building and has a sign face which is parallel to the building wall. This wall sign shall not project more than twelve inches from the surface to which it is attached nor shall it extend beyond the top of the building wall. No freestanding signs or off-site signage shall be permitted. (Signage on the garage door must be removed based on the Sign Ordinance Section 356.)
6. The site shall not be allowed to have streamers, balloons, searchlights, pennants, pinwheels, or other attention-attracting devices. No signs shall be allowed to flash, blink, rotate or electronically display advertising.
7. Any exposed roofing equipment shall be screened
8. The property shall not allow the storage of wrecked, abandoned or junked automobiles, or the sale or display of used cars.
9. No automobiles to be serviced shall be parked during non-business hours in the parking lot on Welcome Avenue North.
10. No sales or rentals of motor vehicles, trailers, campers, boats and the like shall be permitted.

EXHIBIT Z, Page 3 of 4
 Dan Pettis, C.U.P. #1989-3442

11. The storage of all paints, solvents and other hazardous materials associated with auto body repair and servicing shall be approved by the City Fire Department.
12. No artificial elevation of vehicles on raised platforms or the like shall occur on the site.
13. If a fence is to be erected on the site for security purposes, the location shall be approved by the Planning Division.
14. All common interior walls from Detail Collision Center to other occupancies must be one hour rated separations (each to occupancy to B-2 occupancy).
15. Front office areas must be a one-hour rated separation from repair area (B-2 to H-2 occupancy).
16. Flammable liquid storage/mixing room must meet requirements of Uniform Building Code or flammable liquids must be stored in an approved safety cabinets.
17. Forced air furnace in repair area must meet Uniform Building Code requirements.
18. Air make up system must provide minimum air flow for building as called for in uniform building and mechanical codes.
19. All applicable City ordinances not specifically covered herein shall become a part of this Conditional Use Permit.
20. Section 365.02 g. of the City Code (abandonment, revocation, cancellation) is marked as "Exhibit C" and made a part of this permit.
21. The undersigned agrees to provide a copy of this document to any or all purchasers and/or lessees who would continue to use the property for the purpose stated in Article #1.

The undersigned declares he has fully examined this Conditional Use Permit and all exhibits attached hereto, and agrees to all the conditions set forth. This approval will expire one year from the date of City Council approval unless all of the conditions have been met, and valid building permits are in force. In no case shall the property be used for the use in which this permit is approved until all of the conditions have been met by the petitioner and are inspected by the City.

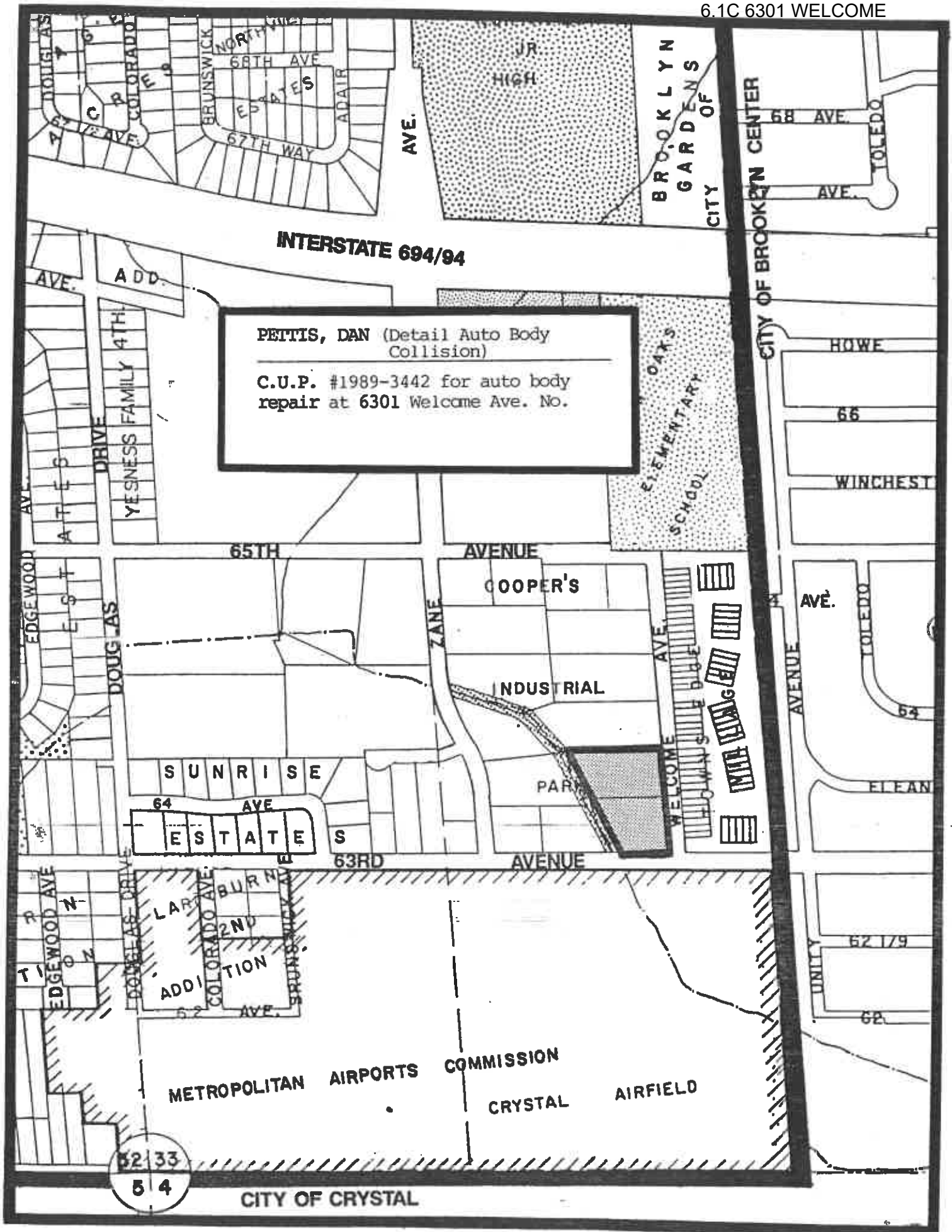
EXHIBIT Z, Page 4 of 4
Dan Pettis, C.U.P. #1989-3442

By _____

Title _____

Witness _____

Witness _____



MEMORANDUM

ITEM 4.A.

DATE: JUNE 30, 1989

TO: PLANNING COMMISSION

FROM: THOMAS C. BAKRITGES, ASSOCIATE PLANNER *Thomas C. Bakritges*

SUBJECT: PETTIS DAN, C.U.P. #1989-3442 for auto body repair at 6301 Welcome Avenue North

At the June 7, 1989, Planning Commission Meeting the applicant requested that this item be continued until the July 5, 1989, meeting. This would give the applicant enough time to read and understand all the conditions within the Staff Report. Staff is of the opinion that this item needs no further review due to a number of important concerns that were pointed out by staff and the Planning Commission.

RECOMMENDATION

Staff continues to recommend approval of C.U.P. #1989-3442 for auto body repair at 6301 Welcome Avenue North for Dan Pettis per the conditions of the Staff Report.

TCB:mp

STAFF REPORT



CITY OF
BROOKLYN
PARK

PUBLIC HEARING DATE: June 7, 1989

ITEM 4 B.

REQUEST

CASE NUMBER:

1989-3442

APPLICANT:

PETTIS, DAN

PROPOSED REQUEST:

Conditional Use Permit for Auto Body Repair

LOCATION OF REQUEST:

6301 Welcome Avenue North

SITE DATA

SIZE:

3.5 + Acres

DENSITY:

N/A

PRESENT ZONING:

I-1 (Limited Industrial)

CONTIGUOUS LAND USE:

N - Industrial
E - Single and Two-Family Residential
W - Industrial
S - Crystal Airfield (Metropolitan Airport Commission)

PARK DEDICATION:

N/A

ANALYSIS

CONFORMANCE TO ADOPTED
LAND USE PLAN:

Yes - Comprehensive Plan Shows Industrial

STAFF RECOMMENDATION:

APPROVAL

PLANNING STAFF REPORT

Page 2

PETTIS, DAN, Conditional Use Permit #1989-3442 for Auto Body Repair at 6301 Welcome Avenue North

PROPOSAL:

The applicant is requesting a Conditional Use Permit to operate an automobile repair business in 3,900 square feet of an existing building on Welcome Avenue North in the Cooper's Industrial Park.

Detail Collision Center repaints cars, trucks and vans and does repair work, including small and large collision repairs.

PLANNING CONSIDERATIONS:

Auto body shops are typically not a particularly attractive or desirable land use, since much of the activity or evidence of activity -- i.e. stored cars, car parts -- is often visible from the street. The applicant (Detail Collision Center) has assured Staff that all vehicles are stored inside at night for the safety of the customer's property and for the preservation of aesthetic value of the site.

A letter from Detail Collision Center dated May 4, 1989, stated that they like to appear as professional on the outside as any other business and that they want to have a positive impact on the multi-dwellings and private homes in the surrounding area.

The main issue here is the many exposed garbage dumpsters being seen from 63rd Avenue North. There is not an easy solution to this problem. Denial of the Conditional Use Permit (which Staff does not recommend) will not prevent a permitted use to operate out of that bay. The best solution is to build a separate fire-proof trash enclosure located south of the building. The trash enclosure can be constructed within the berm so the view of the enclosure structure would not greatly affect any of the business owners and the motoring public on 63rd Avenue North. This one large enclosed dumpster could serve all the individual businesses facing 63rd Avenue North. Staff is of the opinion that this would improve the view from the motoring public from 63rd Avenue North.

Creating this central facility minimizes traffic conflicts with the dumpster location and directly improves the view of the building from 63rd Avenue North. This location would not impact the surrounding properties or the business owners within that area.

PLANNING STAFF REPORT

Page 3

PETTIS, DAN, Conditional Use Permit #1989-3442

RECOMMENDATION:

Staff recommends approval of Conditional Use Permit #1989-3442 for Dan Pettis for an auto body repair shop at 6301 Welcome Avenue North with the following conditions:

1. Site and floor plans as shown on plans dated "Planning Commission May 4, 1989".
2. Signage shall be limited to a wall sign on the south elevation. This wall sign shall not exceed ten percent of the wall area and the signage shall be individual letters, with permanent lettering which is affixed to the exterior wall of a building and has a sign face which is parallel to the building wall. This wall sign shall not project more than twelve inches from the surface to which it is attached nor shall it extend beyond the top of the building wall. No free-standing signs or off-site signage shall be permitted. (Signage on the garage door must be removed based on the Sign Ordinance.)
3. There shall be no flags, pennants, pinwheels, temporary or mobile signs, or any other attention attracting devices on the site.
4. Any exposed roofing equipment shall be screened.
5. The property shall not allow the storage or depository of wrecked, abandoned or junked automobiles, or for the sale or display for sale of used cars.
6. No automobiles to be serviced shall be parked during non-business hours in the parking lot on Welcome Avenue North.
7. No sales or rentals of motor vehicles, trailers, campers, boats and the like shall be permitted.
8. All trash, waste materials and obsolete automobile parts shall be a separate fire-proof trash enclosure located to the south of the building. Said enclosure shall be architecturally compatible with the building.
9. The storage of all paints, solvents and other hazardous

PLANNING STAFF REPORT

Page 4

PETTIS, DAN, Conditional Use Permit #1989-3442

materials associated with auto body repair and servicing shall be approved by the City Fire Department.

10. No artificial elevation of vehicles on raised platforms or the like shall occur on the site.
11. If a fence is to be erected on the site for security purposes, the location shall be approved by the Planning Division.
12. All common interior walls from Detail Collision Center to other occupancies must be one hour rated separations (each to occupancy to B-2 occupancy).
13. Front office areas must be a one hour rated separation from repair area (B-2 to H-2 occupancy).
14. Flammable liquid storage/mixing room must be meet requirements of uniform building code or flame liquids must be stored in an approved safety cabinets.
15. Forced air furnace in repair area must meet uniform building code requirements.
16. Air make up system must provide minimum air flow for building as called for in uniform building and mechanical codes.

Respectfully Submitted,



Thomas C. Bakritges
Associate Planner

TCB:baz

DATE: MAY 15, 1989
TO: PLANNING COMMISSION
ATTN: GARY BERG
FROM: JOE FAUST, FIRE INSPECTOR *JS*
SUBJECT: DETAIL COLLISION CENTER

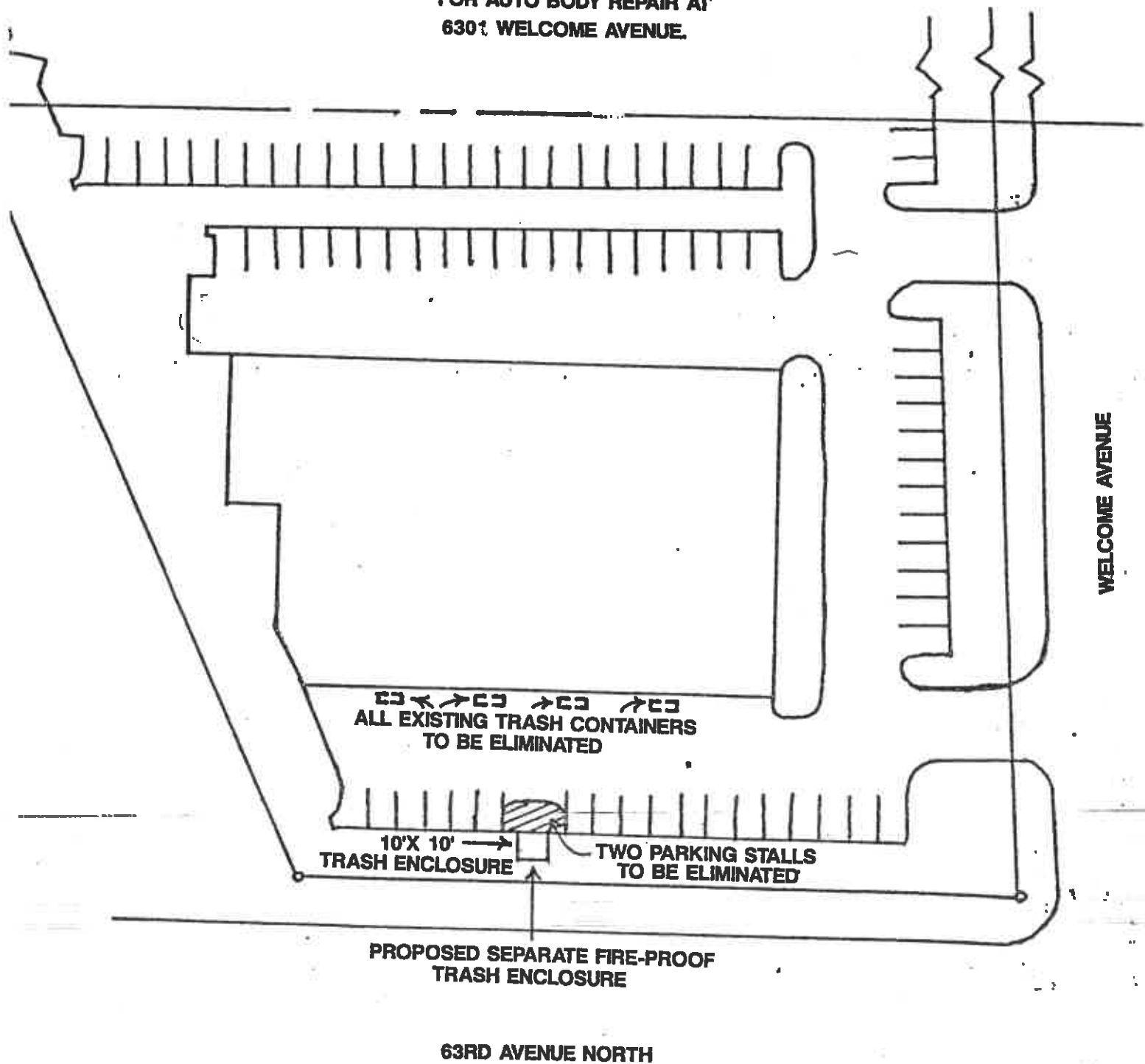
1. All common interior walls from Detail Collision to other occupancies must be one-hour rated separations (H2 occupancy to B2 occupancy).
2. Front office areas must be a one-hour rated separation from repair area (B2 to H2 occupancy).
3. Flammable liquids storage/mixing room must meet requirements of Uniform Building Code or flammable liquids must be stored in approved safety cabinets.
4. Forced air furnace in repair area must meet Uniform Building Code requirements.
5. Air make-up system must provide minimum air flow for building as called for in Uniform Building and Mechanical Codes.

hds

DETAIL

PLANNING STAFF RECOMMENDATION

FOR: DAN PETTIS, C.U.P. #1989-3442
FOR AUTO BODY REPAIR AT
6301 WELCOME AVENUE.

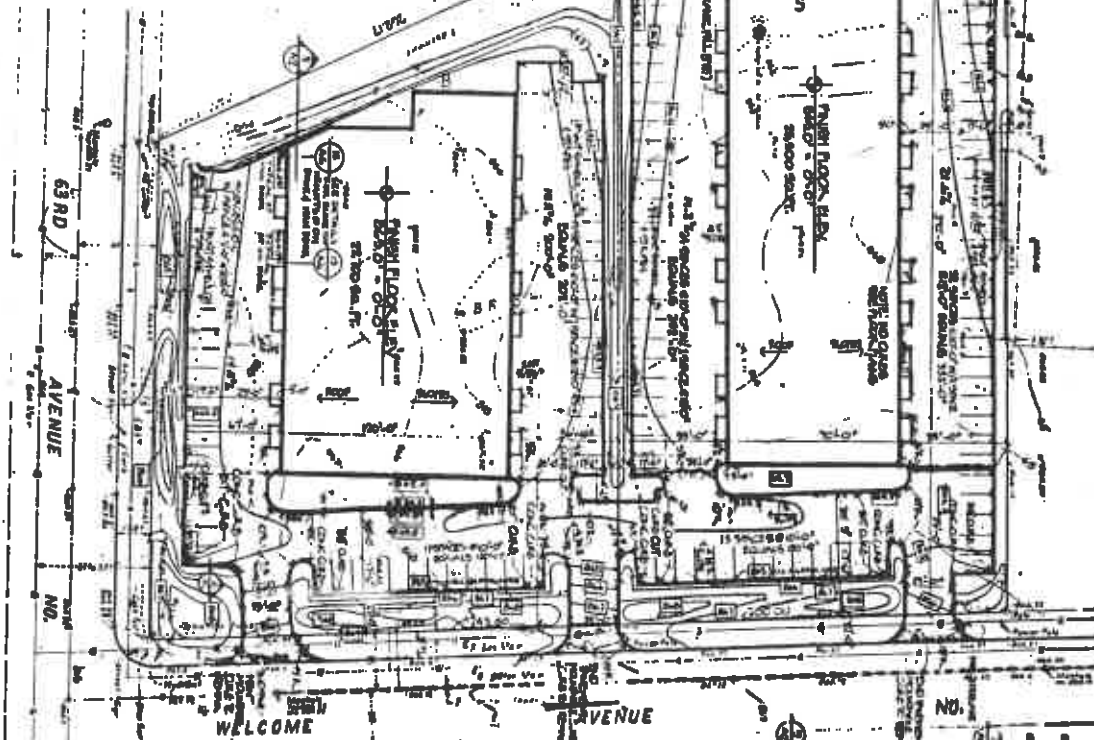


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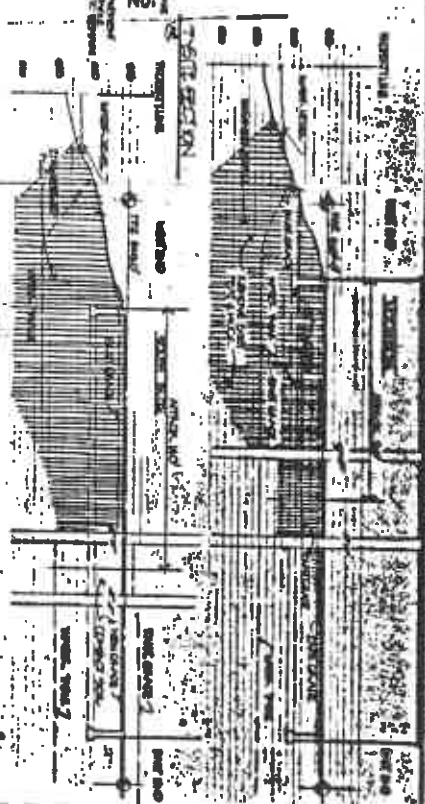


Scale: 1" = 20'

- GENERAL NOTES**
1. SEE DRAWING FOR THE PROPOSED LOCATION OF THE BUILDING.
 2. THE BUILDING SHALL BE CONSTRUCTED ON THE SITE.
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② SITE SECTION



GENERAL NOTES

1. THE BUILDING SHALL BE CONSTRUCTED ON THE SITE.

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10. THE BUILDING SHALL BE CONSTRUCTED ON THE SITE.

NOTE: See drawing for the location of the building.

NOTE: See drawing for the location of the building.

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NOTE: See drawing for the location of the building.

NOTE: See drawing for the location of the building.

NOTE: See drawing for the location of the building.

STATEMENT OF USE

To the City Council of Brooklyn Park:

We, the owners of Detail Collision Center, operate a business of auto body repair in the city of Brooklyn Park. Our business hours will be 7:00 a.m. to 5:30 p.m., Monday thru Friday. We will have four people working this shift with staggered starting times.

In compliance with our Lease Agreement and to assist in maintaining the building and grounds as an attractive complex, we will be storing vehicles that are damaged inside our shop. Vehicles that require repainting only may be stored outside during shop hours, however they will be stored inside at night.

It is our goal as a business owner in Brooklyn Park to keep our area neat and clean. We realize the positive impact this has on our business and the multiple dwellings and private homes in our area.

Thank you.

San Peltis 5-4-89

Mr. Patch,
Re; Fresh Air Makeup for shop work area.

As per our conversation dated Tuesday April 11, 1989 we were able agree on a deferred date for the second phase of the air handling system required for Detail Collision Center located at 6301 Welcome Ave. No. Units 27&28.

The Second Phase or part is to supply 3/4 CFM make up air for approx. 3000 Sq. feet of shop space or 2250 CFM.

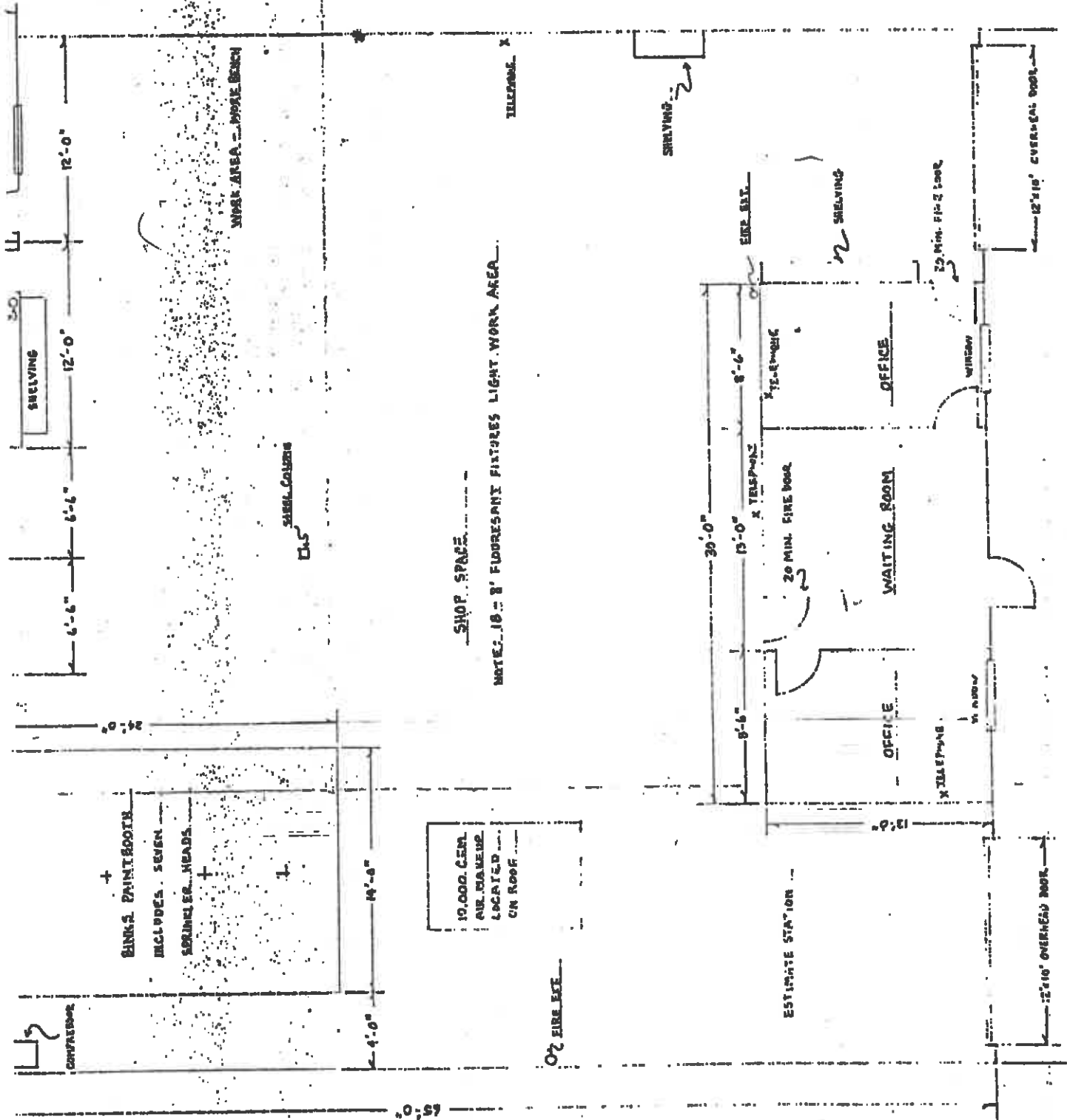
Detail Collision has agreed that as of September 1 1989 we will have applied for the necessary permits to begin construction and also agree to have the work completed by September 30 1989. —

SIGNED Don Pappis OWNER

SIGNED Jack T. Durant OWNER

DATED April 19, 1989

FLOOR PLAN
DETAIL COLLISION STR.
6301 WELCOME AVE NO
UNITS 27:28
SCALE: 3/4" = 1'-0"



**UNAPPROVED
MINUTES**

REGULAR BROOKLYN PARK PLANNING COMMISSION MEETING

JUNE 7, 1989

PETTIS, DAN, Conditional Use Permit #1989-3442 for Auto Body Repair at 6301 Welcome Avenue North

This hearing was on the consent agenda; therefore, the reading of the Staff Report was waived.

The hearing was opened to the public.

Dan Pettis, stated that he agreed with the Staff Report.

No one else appeared in favor or in opposition and the hearing was closed to the public and comments confined to the Planning Commission members.

MOTION JOHNSON, SECOND FEES, TO RECOMMEND APPROVAL OF C.U.P. #1989-3442 AT FOR AUTO BODY REPAIR AT 6301 WELCOME AVENUE NORTH FOR DAN PETTIS PER THE CONDITIONS OF THE STAFF REPORT.

Ms. Fees questioned who was going to build the trash enclosure.

Mr. Berg responded that with the C.U.P. the property owner has to sign off which is intended to make him aware of all conditions and requirements for improvements attached to the site.

Ms. Fees questioned the applicant if they understand that they will have to build a trash enclosure.

Mr. Pettis responded negatively.

~~Mr. Berg~~ questioned the applicant if they had read the Staff Report.

The applicant replied, no.

~~Mr. Berg~~ stated that the Staff Report should be read for the applicant to hear all the conditions and to give his response accordingly.

Mr. Miller agreed.

The Staff Report was read by Mr. Berg.

The applicant responded that everything required under the conditions listed in the Staff Report are completed with the exception of the construction of the trash enclosure. He added that he believes he is being pegged to do this work for not only himself but for all of the other tenants in the building.

PETTIS, DAN, Conditional Use Permit #1989-3442 cont...

Mr. Berg responded that it is City policy to bring all sites up to speed with the current standards. He also reminded the applicant that this permit is granted to the property and not to Mr. Pettis.

Ms. Feess questioned the applicant if he would like addl. time to read & understand all the conditions within the Staff Report.

Mr. Pettis responded affirmatively.

Mr. Johnson then withdrew his motion.

MOTION JOHNSON, SECOND FEESS TO CONTINUE C.U.P. #1989-3442 FOR AUTO BODY REPAIR AT 6301 WELCOME AVENUE NORTH FOR DAN PETTIS UNTIL THE 7-5-89 PUBLIC HEARING.

Mr. Miller asked if there were any other questions.

Mr. Jack Grand, 5649 Maryland, Crystal, stated that he is a partner of Mr. Pettis' and that he was confused over what happened. He also questioned if the trash enclosure problem is directed to his business or if it is for the entire complex.

Mr. Berg stated it is for the entire building & that the problem is on the 63rd Avenue side. He added that a defined area for the trash enclosure will dress up the aesthetics of the complex & the public image on the 63rd Avenue side of the building.

Mr. Johnson added that this condition is a message to the landlord to provide an enclosure along the south side of the building.

Mr. Grand questioned if this meant that Detail Collision is not being singled out.

Ms. Feess responded that his assumption is correct.

Mr. Grand posed a second question that since the Brooklyn Park Fire Inspector, Mr. Faust, was in that they upgraded their facility to all the standards as required by the Fire Department however, he questioned whether the two other body shops in the Complex are currently up those standards. He understands that there was a complaint in the building in regard to fumes from the painting operations in which he feels that Detail Collision was being singled out. He also stated that the source of the problem was not his business but the business that is located adjacent to the person who filed the complaint.

Mr. Miller then called for the question.

MOTION CARRIED UNANIMOUSLY.

- 1 -

REGULAR BROOKLYN PARK PLANNING COMMISSION MEETING

July 5, 1989

UNAPPROVED
MINUTES

PETTIS, DAN, Conditional Use Permit #1989-3442 for Auto Body Repair at 6301 Welcome Avenue North

Mr. Clark stated that this item was continued from the June 7, 1989, Planning Commission meeting to give the applicant enough time to read and understand all the conditions within the Staff Report.

Mr. Clark further stated that the main issue here is the many exposed garbage dumpsters being seen from 63rd Avenue North. He added that one solution is to build a separate fire-proof trash enclosure located south of the building. The trash enclosure can be constructed within the berm so the view of the enclosure structure would not impact any of the business owners and the motoring public on 63rd Avenue North.

The hearing was opened to the public.

The applicant was not present. No one else appeared in favor or in opposition and the hearing was closed to the public and comments confined to the Planning Commission members.

MOTION MILLER, SECOND CLEMENSON, TO MOVE THIS ITEM TO THE END OF THE AGENDA.

MOTION CARRIED UNANIMOUSLY.

This item was again opened to public at the conclusion of the meeting.

MOTION JOHNSON, SECOND CLEMENSON, TO CONTINUE THIS ITEM TO THE AUGUST 2, 1989, PLANNING COMMISSION MEETING.

Mr. Clark stated that the Planning Commission should act on this item because the auto body repair shop is existing at this point.

APPROVED
MINUTES

- 2 -

PETTIS, DAN, Conditional Use Permit #1989-3442 (Continued)

MOTION JOHNSON, SECOND CLEMENSON, TO WITHDRAW THE MOTION OF CONTINUANCE OF THIS ITEM TO THE AUGUST 2, 1989, PLANNING COMMISSION MEETING.

MOTION SPAHN, SECOND FEESS, TO RECOMMEND APPROVAL OF DAN PETTIS, CONDITIONAL USE PERMIT #1989-3442 FOR AUTO BODY REPAIR AT 6301 WELCOME AVENUE NORTH PER THE STAFF REPORT.

MOTION CARRIED UNANIMOUSLY.

Caspian Tigers, LLC (“Applicant”) is the owner of 6317 Welcome Avenue North, Brooklyn Park, MN. (hereinafter “the property”) The property is located near the Northwest Corner of Welcome Avenue North and 63rd Avenue. Caspian Tigers, LLC also owns the adjacent commercial property at 6301 Welcome Avenue North to the South of 6301 Welcome Avenue North. The real estate located immediately East of 6317 and 6301 Welcome Avenue North is comprised of high-density residential townhomes. The property is rented out primarily to auto repair businesses and has been operated as such for many years.

Applicant has recently been made aware that the existing zoning of the property requires a Conditional Use Permit for compliant use of the property and makes this application accordingly.

The property contains a commercial cement block-built flat roof structure. There are eighteen (18) rentable units in the building.

Each unit is granted three (3) reserved parking spots. There are One Hundred Forty (140) available parking places surrounding the building that are available for permitted lease by each of the tenants. A few long tenured current tenants are occupying four (4) dedicated parking spaces. As these leases expire or terminate in the future, new tenants will be offered three (3) dedicated parking spaces to conform with the newer tenants.

In addition to the available parking places are four (4) ADA reserved and posted parking places.

Current management of the property budgets to maintain an inventory of 14 - 15 available additional permitted parking places that are leased from time to time by the tenants for short term overflow situations.

Ownership/management has a contract with Tyson’s towing to monitor the lot in the evening to remove any unpermitted vehicles parked on the property. Tyson’s is also charged with monitoring the property daily to remove any unpermitted vehicles from the ADA reserved parking places. To date, management reports that the available number of parking places has been sufficient for the orderly operation of the tenants’ respective businesses.

It is expected that there will be vehicles towed to the tenants’ respective units from time to time in the ordinary course of their operations. It is difficult to provide an estimate of the towing volume to the property as it is irregular in nature.

The commercial property located at 6301 Welcome Avenue, Brooklyn Park, MN is identical to the 6317 property in its construction, tenant mix and allocation of parking spaces. The real estate located at 6301 Welcome Avenue, Brooklyn Park has received an Auto Repair Conditional Use Permit of record for that property.

The property as built and improved is designed for auto repair services. Indeed, auto repair services, or similar uses, are the intended and targeted type of tenant for the property. Applicant will suffer significant hardship and diminution of real property value if an Auto Repair Conditional Use Permit is not granted. Applicant aspires to bring the property into full compliance with the applicable regulations of the City of Brooklyn Park and respectfully submits this application accordingly. Applicant further submits that receipt of an Auto Repair Conditional Use Permit will not bring about any negative change to the neighborhood because the historical non-compliant use of the property has not presented any impairment to the neighboring properties' use and enjoyment of those properties. An Auto Repair Conditional Use Permit will simply remove the property from a non-compliant status.

LEASE

This Lease ("Lease") dated as of this **11th day of August 2023**, by and between **Caspian Tigers, LLC** ("Landlord" or "Lessor") and **Tenant Name** ("Tenant" or "Lessee").

WHEREAS, in consideration of the Rent hereinafter defined, and the covenants contained herein, Landlord and Tenant hereby agree as follows:

1. Basic Lease Information/Definitions.

1.1	<u>Premises</u>	Approximately Unit Sqft of rentable square feet of an 47,855 sq ft building located at 6301-6317 Welcome Ave N, Brooklyn Park, MN 55429 as depicted on Exhibit A attached hereto and incorporated herein by reference.				
1.2	<u>Commencement Date</u>	09/01/2023				
1.3	<u>Term</u>	12 months unless sooner terminated or extended pursuant to the terms and conditions of this Lease. The Termination Date is 08/31/2024 .				
1.4	<u>Base Rent</u>	Base Rent shall be the following amounts for the following periods of time: <table><tr><td><u>Period Covered</u></td><td><u>Monthly Base Rent</u></td></tr><tr><td>9/1/2023 - 08/31/2024</td><td>\$0.00</td></tr></table>	<u>Period Covered</u>	<u>Monthly Base Rent</u>	9/1/2023 - 08/31/2024	\$0.00
<u>Period Covered</u>	<u>Monthly Base Rent</u>					
9/1/2023 - 08/31/2024	\$0.00					
1.5	<u>Tenant's CAM Pro Rata Share</u>	0.00% @ \$0.00 sqft See Section 3.3. Monthly Amount is \$0.00				
1.6	<u>Security Deposit</u>	\$0.00				
1.7	<u>Tenant's Notice Address</u> <u>Email Address</u> <u>Phone Number</u>	Tenant Address See Section 18 Phone Email				
1.8	<u>Landlord's Notice Address</u>	Caspian Tigers, LLC 7401 Bush Lake Rd See Section 18 Edina, MN 55439				
1.9	<u>Insurance Requirement</u>	\$1,000,000 public liability, bodily injury and property damage combined policy. See Section 10.				
1.10	<u>Utilities</u>	Landlord will pay electric, gas and water utilities directly to the provider. Landlord may request pro rata share of electric during peak seasonal use.				

2. Premises.

Landlord hereby leases to Tenant the Premises for the Term pursuant to the terms and conditions of this Lease. Tenant and Landlord agree the number of square feet of rentable space of the Premises is approximate. Landlord or Tenant may elect for a professional architect to verify the rentable square foot of the Premises for purposes of this Lease. Upon verification of the number of square feet of rentable space of the Premises, if the calculation varies from the square footages herein, Landlord and Tenant shall execute an amendment to this Lease setting forth the number of square feet of rentable space of the Premises. Upon such verification, if the number of square feet of rentable space in the Premises and/or the Building differs from the number set forth in Section 1.1 and,

6.1D APPLICANT SUBMISSION

as a result thereof, Tenant has paid a larger or smaller portion of the Base Rent, Operating Expenses that Tenant is required to pay hereunder, Tenant shall pay to Landlord any shortage or Landlord shall refund to Tenant any overpayment.

3. Rent.

3.1. Rent. Tenant shall pay to Landlord the Base Rent identified in Section 1.5 of this Lease in advance of the first day of each calendar month during the Term mailed to **7401 Bush Lake Road, Edina, MN 55439** or such other location as Landlord shall advise Tenant of from time to time, and Base Rent checks shall be made payable to **"Caspian Tigers, LLC"**. Should the Term commence or terminate on a day other than the first day or the last day of a calendar month, Landlord and Tenant agree that Base Rent for the first and last month of the Term shall be prorated and Base Rent for the remaining months shall be due and payable on the first of the month as provided above. Base Rent plus all other sums due and owing pursuant to this Lease shall be collectively called "Rent."

3.2. Month-to-Month Tenancy. If Tenant should remain in possession of the Leased Premises after the expiration of the Term of this Lease, without the execution of a new Lease or the written consent of Landlord, then Tenant shall be deemed to be occupying the Leased Premises as a tenant from month-to-month, subject to all the covenants and obligations of this Lease, except that as liquidated damages by reason of such holding over, the monthly amounts payable by Tenant under this Lease shall be increased to one hundred twenty percent (120%) of the monthly amounts payable in the last month of the stated Term.

3.3. Method of Payment of Rent. Rent and Additional Charges to be paid to Landlord shall be paid by electronic funds transfer debit transactions through wire transfer, ACH or direct deposit of immediately available federal funds and shall be initiated by Tenant for settlement on or before the applicable Payment Date in each case (or, in respect of Additional Charges, as applicable, such other date as may be applicable hereunder); provided, however, if the Payment Date is not a Business Day, then settlement shall be made on the preceding Business Day. Landlord shall provide Tenant with appropriate wire transfer, ACH and direct deposit information in a Notice from Landlord to Tenant. If Landlord directs Tenant to pay any Rent or any Additional Charges to any party other than Landlord, Tenant shall send to Landlord, simultaneously with such payment, a copy of the transmittal letter or invoice and a check whereby such payment is made or such other evidence of payment as Landlord may reasonably require.

3.4. Late Payment. If any installment of Rent or any other sums due from Tenant is not received by Landlord within 5 days following the due date, Tenant will pay to Landlord a late charge equal to 5% of such overdue amount or \$150, whichever is greater. Landlord and Tenant hereby agree that such late charge represents a fair and reasonable estimate of the costs Landlord would incur as a result of such late payment.

3.5. Common Area Expenses, Taxes and Insurance.

(i) "Additional Rent" shall mean that amount which is equal to Tenant's Pro Rata Share, as identified in Section 1.6 of this Lease, of the Expenses, and Taxes for the Building. "Expenses" shall mean all expenses, costs and disbursements paid or incurred by Landlord in connection with the ownership, management, maintenance, insuring, operation, replacement and repair of the Premises, Building and Property, provided, however, that any costs or expenses associated with capital improvements shall be amortized over the useful life of such capital items. "Taxes" shall mean all taxes, assessments and fees accruing and/or assessed during the Term in connection with the Property, the property of Landlord located therein, or the rents collected there from, by any governmental entity based upon the ownership, leasing, renting or operation of the Property, including all costs and expenses of protesting any such taxes, assessments or fees.

(ii) For each year during the Term, Tenant shall pay Tenant's Pro Rata Share of Expenses and Taxes as "Additional Rent." Prior to each calendar year, or as soon as reasonably possible thereafter, Landlord shall estimate and notify Tenant of the estimated amount of Additional Rent due for such year, and Tenant shall pay Landlord one-twelfth (1/12) of such estimate on the first day of each month during such year. After the end of each calendar year, Landlord shall deliver to Tenant a report setting forth the actual Expenses and Taxes for such calendar year and a statement of the amount of Additional Rent that Tenant has paid and is payable for such year. Within thirty (30) days after receipt of such report, Tenant shall pay to Landlord the amount of the actual Additional Rent due for such calendar year minus any payments of Additional Rent made by Tenant for such year. If Tenant's estimated payments of Additional Rent exceed the amount due Landlord for such calendar year, Landlord shall apply such excess as a credit against Tenant's other obligations under this Lease or promptly refund such excess to Tenant if the Term has already expired. Tenant's obligation to pay any component of Additional Rent shall survive the expiration or sooner termination of the Term. **Tenant's estimated Additional Rent which they shall pay along with their Base Rent beginning on the Commencement Date is \$0.00.**

4. Security Deposit.

Upon execution of this Lease, to secure the faithful performance by Tenant of all the terms and conditions of this Lease, Tenant shall pay to Landlord the Security Deposit identified in Section 1.6 of this Lease. Tenant understands: (a) that the Security Deposit or any portion thereof may be applied to the curing of any Default as hereinafter defined, without prejudice to any other remedy or remedies which Landlord may have on account thereof, and upon such application, Tenant shall pay Landlord on demand the amount so applied which shall be added to the Security Deposit so the same may be restored to its original amount; (b) that should the Premises be conveyed by Landlord, the Security Deposit or any portion thereof not previously applied may be turned over to Landlord's grantee and if the same be turned over, Tenant hereby releases Landlord from any and all liability with respect to the Security Deposit and/or its application or return, and Tenant agrees to look to such grantee for such application or return; (c) that Landlord shall not be obligated to hold said Security Deposit as a separate fund, but may commingle the same with its other funds; and (d) that upon expiration of the Term and surrender of the Premises, the sum deposited or the part or portion thereof not previously applied shall be returned to Tenant without interest no later than thirty (30) days after the expiration of the Term or any renewal or extension thereof.

5. Use.

The Premises shall be used and occupied only for the operation of a car detailing business by **Tenant Name**. Tenant, at its sole cost and expense, shall comply with all statutes, laws, ordinances, orders, rules, regulations and requirements of the federal, state and local governments and of the Board of Fire Underwriters and changes thereto affecting the Premises or applicable to the use of the Premises.

6. Utilities and Taxes.

Tenant agrees to pay when due all utility charges agreed to in Section 1.10 incurred in connection with its use and occupancy of the Premises, including, but not limited to telephone and internet and to immediately transfer all utility accounts into its own name and to make all required deposits on the Commencement Date. Tenant shall at all times keep the Premises adequately heated to prevent the water pipes from freezing. Landlord shall not be liable for any interruption or failure in supply of any utility to the Premises. Landlord shall pay all city, county, or state real estate taxes and special assessments assessed against the Property, herein "Taxes".

7. Condition of Premises.

Tenant hereby accepts the Premises and any equipment therein in their condition existing as of the Lease Commencement Date or the date that Tenant takes possession of the Premises, whichever is earlier.

8. Maintenance and Repairs.

8.1 Landlord's Obligations. Landlord shall maintain and keep in good condition and repair the Building and the Property. Additionally the Landlord shall have the obligation for any repairs or replacement to heating and air conditioning units after the Tenant has expended five hundred dollars (\$500) in any one calendar year for repairs, provided that the Tenant has provided Landlord with proof of annual maintenance contracts for the maintenance of the heating, ventilating, and air conditioning equipment and further provided that such equipment and further provided that such replacement is not due to negligence of Tenant.

8.2 Tenant's Obligations. Tenant shall, at its own cost and expense, maintain the Premises in good repair and in a neat and clean, first-class condition, including making all necessary repairs and replacements including but not limited to the Premises lighting, electrical and plumbing fixtures and equipment, all doors (overhead or otherwise), glass and windows, all interior walls, partitions, including the regular painting thereof, all exterior entrances to the Premises, and levelers located in the Premises or otherwise located in the Building for Tenant's sole use; and excluding however those components of the premises for which Landlord is expressly responsible under Section 8.1. Tenant shall further, at its own cost and expense, repair or restore any damage or injury to all or any part of the Building or any part or all of the Property caused by Tenant or Tenant's agents, employees, invitees, licensees, visitors or contractors, including but not limited to any repairs or replacements necessitated by (i) the construction or installation of improvements to the Premises by or on behalf of Tenant, and (ii) the moving of any property into or out of the Premises. If Tenant fails to make such repairs or replacements promptly, Landlord may, at its option, upon prior reasonable notice to Tenant (except in an emergency) make the required repairs and replacements and the costs of such repair or replacements shall be charged to Tenant as Additional Rent and shall become due and payable by Tenant plus an administrative fee equal to fifteen percent (15%) of such costs.

9. Alterations.

Tenant shall not make any alterations, additions, modifications or improvements to or affecting the structure of the Premises or Building without the prior written consent of Landlord, which consent shall not be unreasonably withheld or delayed.

10. Insurance.

10.1. **Liability Coverage.** During the Term, Tenant will carry, at its own expense, public liability insurance, in a form and with a company satisfactory to Landlord, a bodily injury and property damage combined single limit policy of at least \$1,000,000 or in such greater amounts as Landlord may from time to time reasonably require. All such insurance policies shall name Landlord and Landlord's agent as additional insureds and shall contain a provision that the same may not be canceled or materially modified without giving Landlord at least thirty (30) days prior written notice. In addition, such policies or certificates evidencing that such policies are in effect, shall be delivered to Landlord at the commencement of the Term and renewals shall be delivered at least ten (10) full days prior to the expiration or cancellation of any such policy. If Tenant fails to comply with its covenant to maintain insurance as provided herein, Landlord may, at its option, cause insurance as aforesaid to be issued and, in such event, Tenant shall pay the premiums for such insurance as Additional Rent hereunder.

10.2. **Indemnity.** Landlord shall not be liable to Tenant for and Tenant does hereby release Landlord and its respective agents and employees from liability for any injury, loss or damages to Tenant or to any other person or property occurring upon the Property unless caused by Landlord's gross negligence or willful misconduct. Tenant agrees to indemnify, defend, and hold Landlord, Landlord's officers, directors, stockholders, employees and agents (collectively "Landlord Group") harmless against and from any and all liability, loss, costs, damages, expenses, including reasonable attorneys' fees, claims and demands, that may be brought against Landlord Group, for or on account of any damages, loss or injury to persons or property in or about the Property during the Term, or during any occupancy by Tenant prior to the Commencement Date or for any damages, loss or injury to persons or property caused by Tenant whatsoever, unless caused by Landlord's gross negligence or willful misconduct. "Tenant" shall include Tenant, its employees, agents, servants, invitees, licensees, contractors and subcontractors. This indemnification shall survive the expiration or earlier termination of this Lease.

11. Assignment and Subletting.

Tenant may not assign this Lease or any interest herein or sublet the whole or any part of the Premises or permit the same to be occupied by anyone other than Tenant, without the prior written consent of Landlord, which consent may be withheld in Landlord's sole discretion.

12. Subordination/Estopper Certificates.

Tenant accepts this Lease, and the tenancy created hereunder, subject and subordinate to any underlying leases, mortgages, deed of trust, leasehold mortgages or other security interests now or hereafter a lien upon or affecting the Premises or any part thereof. Tenant shall, at any time hereafter, on request, execute any instruments that may be required by any mortgage, mortgagee, deed of trust, trustee, or underlying owner or Landlord hereunder to subordinate Tenant's interest hereunder to the lien of any such mortgages, deed or deeds of trust or underlying lease. Tenant agrees at any time and from time to time upon five (5) business days prior notice by Landlord to execute, acknowledge and deliver to Landlord a statement in writing certifying that this Lease is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as modified and stating the modifications) and the dates to which Rent and other charges have been paid in advance, if any, and stating whether or not Landlord is in default in performance of any covenant, agreement or condition contained in this Lease and, if so, specifying each such default of which the signer may have knowledge, and such other matters as Landlord may request, it being intended that any such statement hereunder may be relied upon by any third party not a party to this Lease. The failure of Tenant to execute any such instruments, leases or documents shall constitute a Default hereunder.

13. Default.

If (a) Tenant shall fail to pay the Rent or other charges due hereunder within five (5) days after the same shall be due, or (b) Tenant shall fail to perform any of the other terms, conditions or covenants of this Lease to be performed or observed by Tenant for more than thirty (30) days after written notice of such default has been given to Tenant, or (c) Tenant shall abandon the Leased Premises by failing to use and occupy the same for more than thirty (30) consecutive days, or (d) Tenant or any guarantor of this Lease shall be adjudged bankrupt or insolvent or shall make an assignment for the benefit of creditors, or (e) a receiver or trustee of Tenant property or that of any guarantor of this Lease shall be appointed and such receiver or trustee, as the case may be, shall not be discharged within thirty (30) days after such appointment, or (f) an execution or attachment is levied against Tenant's property or that of any guarantor of this Lease, or (g) this Lease shall by operation of law devolve upon or pass to any person or persons other than Tenant (except with Landlord's express prior written consent), or (h) Tenant shall fail to keep its own vehicles or its clients vehicles or any other personal property inside the defined outside storage area, then in any such case, Landlord may, upon notice to Tenant, recover possession of and re-enter the Leased Premises without affecting Tenant's liability for past Rent and other charges due or future Rent and other charges to accrue hereunder.

In the event of any such default, the entire Rent and all other sums payable hereunder for the balance of the Term shall immediately become due and payable as if by the terms of this Lease they were payable in advance, and Lessor may immediately proceed to distrain, collect, confess judgment or bring action for said Rent and other sums, as being in arrears, or may file a proof of claim in any bankruptcy or insolvency proceedings for such Rent and other sums, or Lessor may institute any other proceedings to enforce payment thereof.

In the event of any such default, Lessor shall be entitled to recover from Lessee, in addition to Rent and other charges equivalent to Rent, all other damages sustained by Lessor on account of the breach of this Lease, including, but not limited to, the expenses and attorneys' fees incurred by Lessor in enforcing the terms and provisions hereof and in re-entering and recovering possession of the Leased Premises and for the cost of repairs, alterations and brokerage and attorneys' fees connected with the re-letting of the Leased Premises. As an alternative, at the election of Lessor, Lessor shall have the right by written notice given to Lessee to declare this Lease terminated without any further rights or obligations on the part of Lessor or Lessee (other than Lessee's obligation for Rent and other charges due and owing through the date of termination), so that Lessor may re-let the Leased Premises without any right on the part of Lessee to any credit or payment resulting from any re-letting of the Leased Premises. In case of a default under this Lease, Lessor may, in addition to terminating this Lease, or in lieu thereof, pursue such other remedy or combination of remedies and recover such other damages for breach of tenancy and/or contract as available at law or otherwise.

The rights and remedies of Lessor under this Lease shall be cumulative and the exercise of any of them shall not be exclusive of any other right or remedy provided by this Lease or allowed by law, and the waiver by Lessor of any breach of any covenant of this Lease shall be limited to the particular instance and shall not operate or be deemed to waive any future breach of the same or any other covenant on the same or any other occasion, nor operate as a waiver of Lessor's right to enforce the payment of subsequent installments of rental or any of Lessor's rights under this Lease by such remedies as may be appropriate.

No extension of time, forbearance, neglect or waiver on the part of Lessor with respect to any one or more of the covenants, terms or conditions of this Lease, shall be construed as a waiver of any of the other covenants, terms or conditions of this Lease, or as an estoppel against Lessor. After the service of a notice or the commencement of a suit or after final judgment for possession of the premises, Lessor may receive and collect any Rent due and apply the same as and for use and occupancy, and the payment and receipt thereof shall not waive or affect any such notice, suit or judgment.

Lessor shall have the right at any time, after ten (10) days written notice to Lessee (or without notice in case of emergency or in case any fine, penalty, interest or cost may otherwise be imposed or incurred) to make any payment or perform any act required of Lessee under any provision of this Lease, and in exercising such right, to incur necessary and incidental costs and expense, including reasonable counsel fees. Nothing herein shall imply any obligation on the part of Lessor to make any payment or perform any act required of Lessee, and this exercise of the right to do so shall not constitute a release of any obligation or a waiver of any default. All payments made and all costs and expenses incurred in connection with any exercise of such right shall be reimbursed to Lessor by Lessee within ten (10) days after such payment, together with interest at the Default Interest Rate (as hereinafter defined), from the respective dates of the making of such payment or the incurring of such costs and expenses. In the event of non-payment thereof, Lessor shall have the rights and remedies it would have hereunder or by law in the case of non-payment of Rent.

All costs, expenses and reasonable attorneys' fees that may be incurred or paid by either party in enforcing the covenants and agreements of this Lease, shall be the sole responsibility of the non-prevailing party in such an action.

Should Lessor default in the performance of its repair obligations or any other obligation to be performed by Lessor under this Lease, Lessee may serve upon Lessor a notice specifying the default and requiring performance by Lessor within a period of time set forth in such notice, which shall not be less than thirty (30) days after receipt of said written notice (except that such cure period specified in the notice shall be automatically extended for an additional period of time reasonably necessary to cure such default, if such default cannot be cured within such cure period provided that Lessor commences the process of curing such default within said cure period and continuously and diligently prosecutes such cure to completion).

14. Surrender/Hold Over.

Tenant shall vacate the Premises at the expiration date or other termination of this Lease and shall remove all goods and effects not belonging to Landlord and shall surrender possession of the Premises and all fixtures and systems thereof in good repair, reasonable wear and tear excepted. If Tenant holds over and remains in possession of the Premises or any part thereof after the Expiration Date or the sooner termination of the Term or Tenant's right to possession hereunder, Tenant shall be deemed to hold the Premises as a tenant at sufferance, subject to all of the terms, conditions and covenants of this Lease, except that Gross Rent payable during such holdover period shall be an amount equal to one hundred fifty percent (150%) of the installments of Gross Rent payable at the time of such

expiration or earlier termination. The provisions of this paragraph do not waive Landlord's right of re-entry or right to regain possession by actions at law or in equity or by any other rights hereunder.

15. Destruction, Fire or Other Casualty.

In case of damage to the Premises by fire or other casualty, Tenant shall give immediate notice thereof to Landlord, and Landlord, to the extent that insurance proceeds respecting such damage are subject to and, in fact, are under the control and use of Landlord, shall thereupon cause such damage to all property owned by Landlord to be repaired as promptly as possible at the expense of Landlord, due allowance being made for delay which may arise by reason causes beyond Landlord's control, and to the extent that the Premises are rendered untenable, the Rent shall proportionately abate, provided the damage above mentioned occurred without the fault or neglect of Tenant, Tenant's servants, employees, agents, contractors, licensees, invitees or visitors. Notwithstanding the foregoing, if such damage is due to the fault or neglect of Tenant or any of other said persons, the damage may be repaired by Landlord at Tenant's expense and there shall be no apportionment or abatement of Rent. In the event the damage shall be so extensive to the Premises as to render it uneconomical, in Landlord's opinion, to restore for the use of Tenant, or Landlord shall decide not to repair or rebuild the Premises, this Lease, at the option of Landlord, shall be terminated upon written notice to Tenant and the Rent shall, in such event, be paid to or adjusted as of the date of such damage and Tenant shall thereupon vacate the Premises and surrender same to Landlord, provided that no such termination shall release Tenant from any liability to Landlord arising from such damage or from any breach of the obligations imposed on Tenant hereunder.

16. Eminent Domain.

If the entire Premises shall be substantially taken for public purposes, or in the event Landlord shall convey or lease the Premises to any public authority under threat of condemnation or taking, this Lease shall thereupon terminate. In the event of a taking, lease or condemnation, whether or not there is a termination hereunder, Tenant shall have no claim against Landlord other than an adjustment of Rent to the date of taking, lease or condemnation, and Tenant shall not be entitled to any portion of any amount that may be awarded as damages or paid as a result or in settlement of such proceedings or threat. Notwithstanding the foregoing, Tenant may pursue its own claim against the condemning authority for any damages or award permitted under the laws of the State of Minnesota, to be paid to Tenant without diminution or reduction of the award, judgment or settlement received by Landlord.

17. Relocation.

Landlord shall have the right to relocate Tenant from the Premises to comparable alternative space in the Building (the "Replacement Premises") upon 90 days' prior written notice to Tenant. In the event of such relocation, Landlord shall make reasonable good faith efforts to coordinate with Tenant a mutually acceptable plan for such relocation, and Landlord shall be responsible for the third party costs incurred to accomplish the physical relocation of Tenant. If the Replacement Premises have greater square footage than the original Premises, there shall be no adjustment in Tenant's Gross Rent however. If, however, the Replacement Premises has less square footage than the Premises, Landlord shall appropriately adjust both Tenant's Gross Rent.

18. Notice.

Any notices required to be served in accordance with the terms of this Lease shall be in writing and delivered to Tenant at the address identified in Section 1.7 and to Landlord at the address identified in Section 1.8. Either party may at any time designate by written notice to the other a change in the above addresses or addressees. All notices, demands and requests shall be deemed sufficiently served or given for all purposes hereunder at the time such notice, demand or request shall be mailed by United States Postal Service registered mail, return receipt requested, or deposited with a reputable overnight courier, at the time such notice, demand or request shall be deposited with the overnight courier.

19. Miscellaneous.

If any term or provision of this Lease or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Lease or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Lease shall be valid and enforceable to the fullest extent permitted by law. All headings in this Lease are intended for convenience or reference only and are not to be deemed or taken as a summary of the provisions to which they pertain or as a construction thereof. Except as otherwise provided, the covenants, conditions and agreements contained in this Lease shall bind and inure to the benefit of Landlord, Tenant, and their respective heirs, distributees, executors, administrators, grantees, successors and assigns. This Lease contains all agreements of the parties with respect to any matters contained herein. No prior agreement, proposal or understanding pertaining to any such matter

binding unless expressly incorporated herein. This Lease may be modified only in writing and signed by the parties in interest at the time of the modification. This Lease shall be governed by and construed in all respects in accordance with the laws of the State of Minnesota.

20. Parking.

Use of the common parking areas shall be subject to such rules as Landlord may promulgate from time to time. Landlord shall have the right to allocate parking spaces among Tenant and other tenants in Landlord's reasonable discretion. Tenant shall not use or permit the use of the parking area for the overnight storage of automobiles or other vehicles without the prior written approval of Landlord. Parking and use of exterior spaces are also subject to change based on communication from the City or other governmental agencies.

21. Financial Statements.

Tenant agrees to provide Landlord, from time to time, with its most recently prepared annual financial statements, along with historical financial statements if requested. Tenant shall provide Landlord with all requested financial statements within 15 days of Lessors written request.

IN WITNESS WHEREOF, Landlord and Tenant have signed and sealed this Lease as of the day and year first above written by their duly authorized partner or officer, as the case may be.

LANDLORD:

TENANT:

By: Caspian Tigers, LLC

By:

Name:

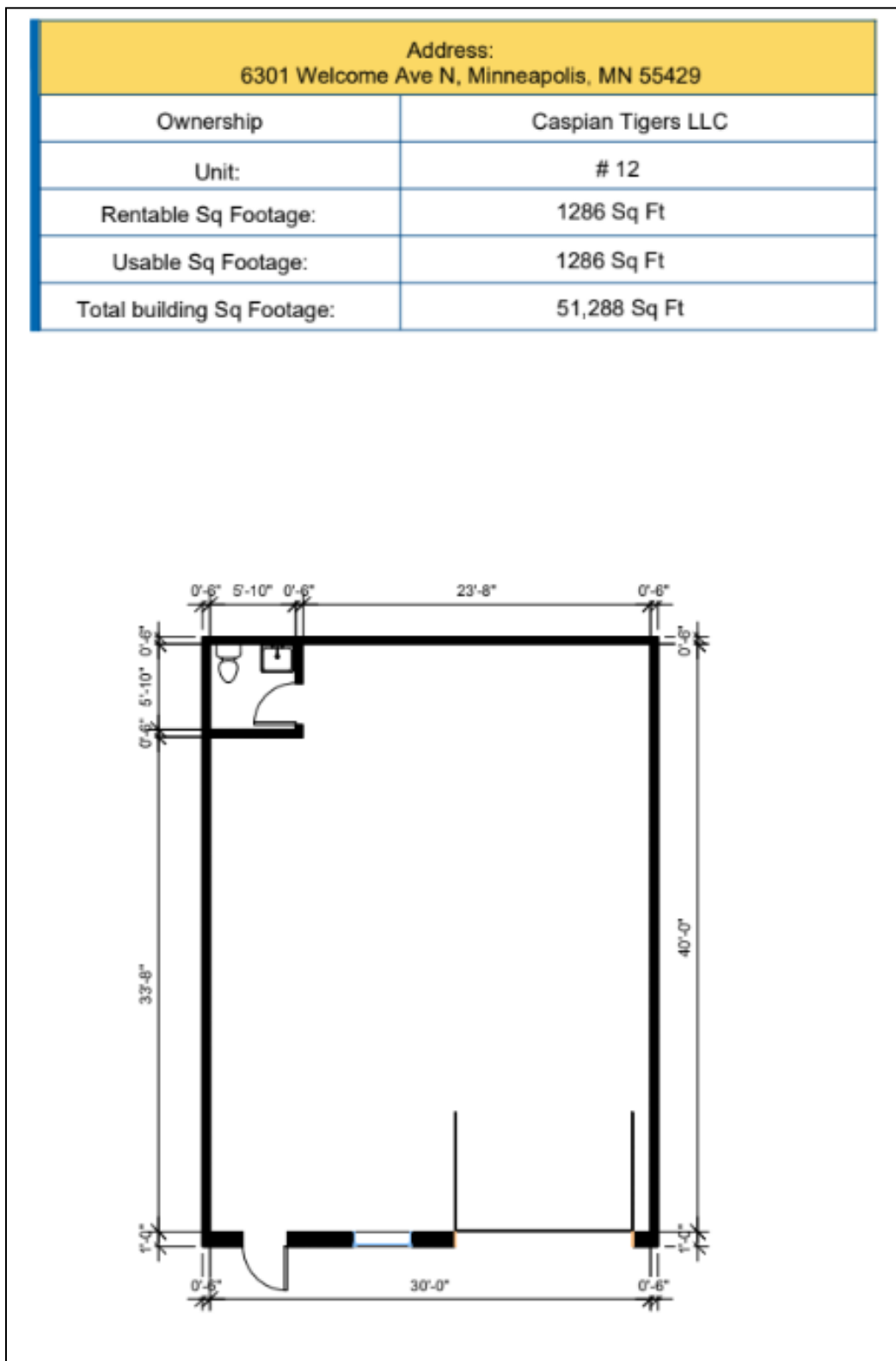
Name:

Its:

Its:

EXHIBIT A

FLOOR PLANS



AGREEMENT TO HANDLE PRIVATE PROPERTY IMPOUNDS

This agreement is entered this 31st day of July, 2023

between Tyson's Towing & Transport and: Caspian Tigers, LLC

The physical address of the property to which binding agreement refers is as follows:

6301-6317 Welcome Ave
 City: Brooklyn Park State: MN Zip Code: 55429

This binding agreement gives Tyson's Towing & Transport. the authority to enter upon said property and remove any vehicles which is deemed unauthorized, abandoned, illegally parked or inoperable per the terms of this agreement and as shown on the attached addendum dated: July 31st 2023

The exclusive use of Tyson's Towing Transport. by the party named above shall commence on the 31st Day of July, 2023 and the contract shall remain in full force until canceled by either party. *To cancel services by either party, a 30 day written notice must be given by the party 30 days in advance of cancellation of services.*

Tyson's Towing & Transport. acts an independent contractor and will assume all liabilities for damages incurred as a result of the removal and storage of such vehicles.

Tyson's Towing & Transport. will assume all responsibilities in the notification of law enforcement agencies in reporting the impoundment of such vehicles.

Tyson's Towing & Transport. does hereby indemnify and hold the property owners, management company, and it's employees harmless from any and all losses, damages, causes of action, court proceedings, or liabilities whatsoever resulting directly or indirectly from the actions of Tyson's Towing & Transport. pursuant to this agreement.

If any part of this agreement is determined by a court of law to be unenforceable, the remaining parts of this agreement will remain in force.

This binding agreement shall be subject to cancellation by either party upon a thirty (30) day written notice delivered by fax or Certified U.S. Mail .

Any changes in parking enforcement procedures, such as placing the property on a temporary hold, additional vehicles allowed to park, or enforcement times not included on the original binding agreement and/or addendum must be faxed or delivered Certified U.S. Mail for verification purposes.

Tyson's Towing & Transport not offering free services or products. Offering gifts is against the State of Minnesota law and Tyson Towing & Transport will not condone any such actions.

Tyson Towing & Transport. will follow all laws and statutes set by the State of Minnesota and any additional Local laws set forth in any ordinance of each municipality.

I certify that I am authorized to execute this binding agreement on behalf of the property owner, and/or Management Company with Tyson Towing & Transport, I also proclaim that Tyson Towing Inc. has not offered any gifts, free services, free products, commissions or the promise of any gifts for the use of their services.

X _____	_____
Authorized Signature	Phone Number
_____	_____
Printed Name and Title	Company Name
X _____	_____
Witness	Printed Name and Title
X _____	_____
Agent For	Printed Name and Title

Agreed effective date: _____ Day of _____, _____.

Tyson's Towing & Transport
560 Randolph Ave, Suite # 200
St. Paul, MN 55102
Phone (612) 978-3705
Tysonstowing25@gmail.com

Addendum to Contract Dated: 7/31/2023

This form will be used to enter account data our database. Be sure that complete and accurate information is provided. Use a separate addendum for each physical address under contract

Property Name: _____

Street: _____

City (mailing address): _____ Zip: _____

Legal Jurisdiction (City or County name): _____

First Contact: _____ Phone: _____

Second Contact: _____ Phone: _____

Security Contact: _____ Phone: _____

Fax #: _____ Email Address: _____

Account Type-(Circle One) P(Patrol) L(Limited Patrol)

(For Limited Patrol) Start Enforcement Time: _____ am/pm

Stop Enforcement Time: _____ am/pm

Contract Start Date/Time: _____ I _____

Gate Codes (IN) _____ (OUT) _____

Can Residents/Tenants call to have a vehicle removed from their assigned spaces?(Yes or No): _____

Is signature required? (Yes or No): Assigned Parking: _____

Security /Courtesy Patrol Request: _____

Apartment Communities: Do you want a photograph of the reason the vehicle was towed:

Tow Codes (Initial all approved reasons for which vehicles may be towed.)
(The parking violations listed below are for PATROL or LIMITED PATROL
accounts only)

<u>Code</u>	<u>Reason for Tow</u>
-------------	-----------------------

- A _____ No valid permit. No valid resident or tenant permit. Expired visitor permit/pass.
- B _____ Tow away zone. Sign posted and/or pavement markings.
- C _____ Abandoned. Broken window(s) vehicle on jacks, blocks, missing wheels, major parts, remained parked in the same location for longer than 48 hours. Vehicle must be stickered for a minimum of 24 hours before towing.
- D _____ Fire lane. Vehicle parked in a designated fire lane.
- E _____ Security or Law Enforcement Officer may call to have vehicles towed.
- F _____ Flat tire(s). Vehicle must be stickered for a minimum of 24 hours before towing.
- G _____ No (please circle each that apply)
- A. boats allowed
B. trailers allowed
C. campers allowed
D. motorhomes allowed
- H _____ Management request.
- I Health hazard. Vehicle leaking fluids(Federal or City environmental violation), full of trash or hazardous bios (rotten food or similar substances).
- J _____ Vehicle wrecked or inoperable. Broken window(s) vehicle on jacks, blocks, missing wheels, major parts, engine, or transmission. Vehicle must be stickered for a minimum of 24 hours before towing.
- K _____ No tractor trailer or large (above 1 ton) commercial vehicle parking on property.
- L _____ Vehicle parked on grass, off the pavement, or landscaping.
- M _____ Handicap violation. Vehicle parked in handicap space, ramp or unloading zone with no handicap permit or expired handicap permit.
- N _____ Vehicle blocking, parked in driveway, aisle, or parked next to a red curb.
- O _____ No after-hours parking. Violation of "No After-Hours Parking" rule(vehicle parked on property after business is closed) (same as no overnight parking)
- P _____ Hindering access, blocking dumpster, building entrances, loading docks or zones, etc ...

Q _____ Vehicle taking up two (2) parking spaces. (Parking line stripe must be down center of vehicle)

R _____ For sale vehicle. Vehicle is parked on front row facing the street displaying a for sale sign. (Shopping Centers Only) Tow immediately.

RI _____ For sale vehicle to be removed after a 24 hour warning is given.

S _____ Reserved / Assigned parking space. Vehicle parked in a reserved or assigned parking space, could have resident/tenant or guest permit and be towed.

T _____ Hashed out space. Vehicle is parked in a non-parking space that has been hashed out that is primarily used for pedestrian access.

U _____ No parking at any time. Vehicle is parked on property when posted for "NO PARKING FOR ANYONE AT ANYTIME".

V _____ Spotter Removal. Vehicle may be towed if observed by a spotter watching the parking lot.

W _____ Non customer. Vehicle operator is not a customer of this business located on the property.

X _____ Parked on the sidewalk. Vehicle is parked on the sidewalk.

Y _____ Double parked behind another vehicle.

Z _____ Vehicle parked in Manager's or maintenance space. Could be permitted resident/tenant or guest.

Acceptance

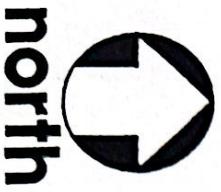
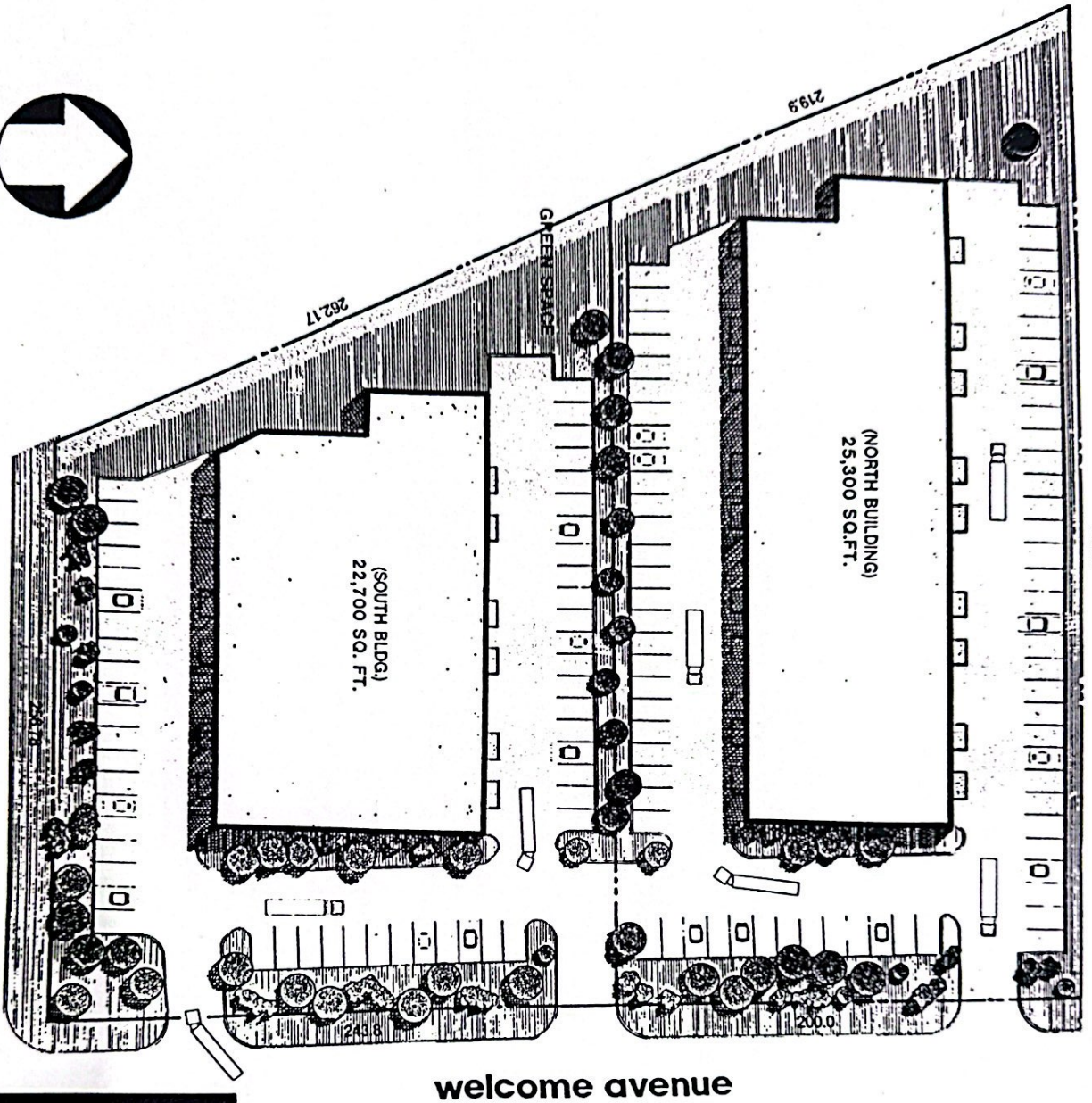
Property Representative

Witness

Date: _____

WELCOME SQUARE BUSINESS PARK BROOKLYN PARK MINNESOTA

440.65

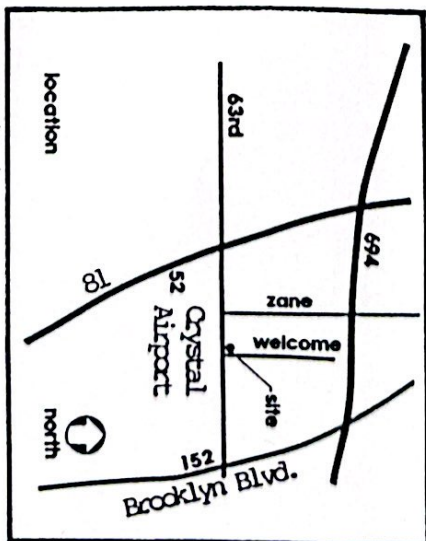


63rd street

welcome avenue

site plan

TOTAL BUILDING AREA	48,000 sq. ft.
TOTAL PARKING AREA	62,530 sq. ft.
TOTAL GREEN AREA	42,879 sq. ft.
TOTAL SITE AREA	153,409 sq. ft.



Sherman R. Malkerson
Partner

The C. Chase Company
CORFAC INTERNATIONAL
Real Estate Brokerage and Consulting

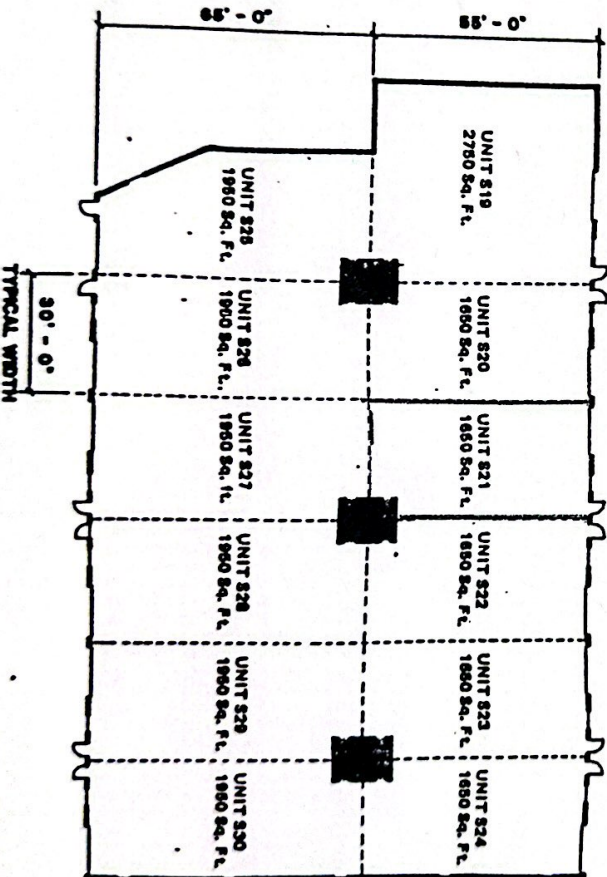
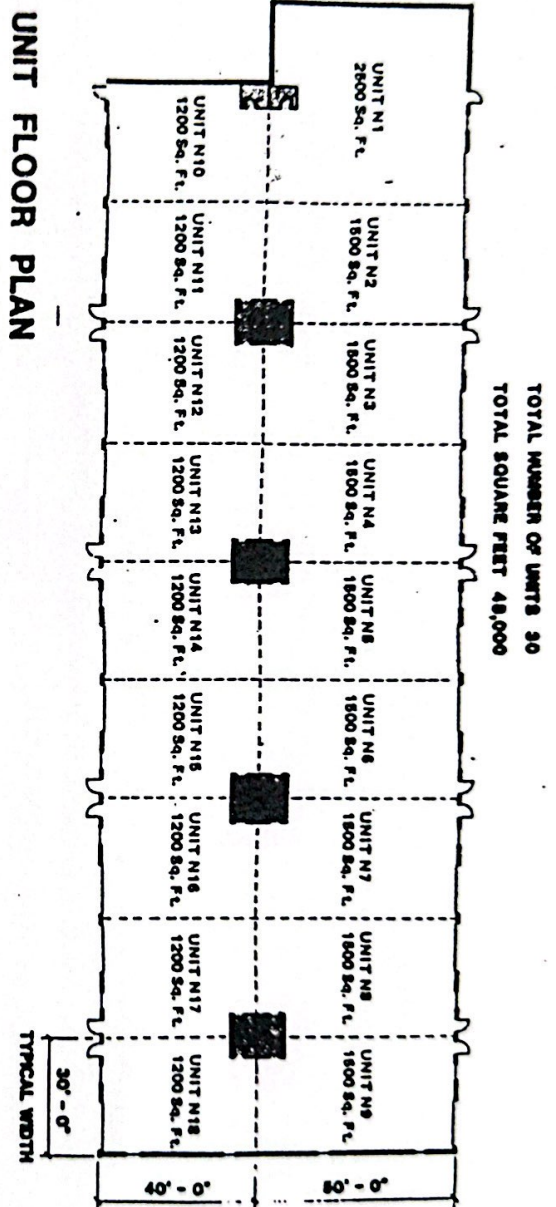
3333 Gamble Drive, Suite 310 • Minneapolis, MN 55416-1509
Direct: 952-525-1635 • Office: 952-525-1000
Fax: 952-525-1335
smalkerson@cchaseco.com • www.cchaseco.com

CORFAC

King Street CORFAC 307 307 307

11 **WILLOW SQUARE BUSINESS PARK** **BROOKLYN PARK MINNESOTA**

6.1D APPLICANT SUBMISSION



THE C. CHASE COMPANY

Real Estate Brokerage and Consulting

City of Brooklyn Park Planning Commission Staff Report

Agenda Item:	6.2	Meeting Date:	October 11, 2023
Agenda Section:	Public Hearing	Originating Department:	Community Development
Resolution:	X	Prepared By:	Amber Turnquest, Principal Planner
Ordinance:	X		
Attachments:	5	Presented By:	Amber Turnquest, Principal Planner
Item:	169 Logistics Center –Variance, #23-116 for two monument signs at Lot 2, Block 1, Northcross Business Park.		

Proposed Action

MOTION _____ SECOND _____ TO ADOPT FINDINGS OF FACT FOR THE DENIAL OF A VARIANCE REQUEST FOR A SECOND MONUMENT SIGN ON LOT 2, BLOCK 1, NORTHCROSS BUSINESS PARK.

Summary

Capital Partners submitted a letter dated August 7, 2023, requesting a variance to construct “two ground signs” at Lot 2, Block 1, Northcross Business Park, which is owned by Northcross W Indus Owner, LLC and controlled by United Properties. The letter also stated that United Properties has given “preliminary approval” to for this work, if approved. Ground signs are not defined in the Brooklyn Park Zoning Code, as such, it was determined after communication between the applicant and staff, that the request is for two monument signs.

The applicant, Capital Partners, is the owner of Lot 1, Block 1, Highway 169 Logistics Center, (“CP property”) which is west of the property subject to this variance request. The CP property is accessed via a private street that connects with Winnetka Avenue at an intersection on which the subject property is located. There is no frontage on a public street for the CP property. The findings provided by the applicant are solely based on facts pertaining to the CP property, however, the variance being requested is for a separate property. Variance standards must be considered based on the subject property only, therefore, this request cannot be approved due to the findings provided not being relevant to the subject property.

Staff held several meetings with the applicant, in which it was discussed that a directional sign located on the subject property would be permitted through administrative review. In Chapter 150. Signs of the Brooklyn Park City Code, directional signs for multi-tenant buildings are permitted on all properties. Multitenant buildings are entitled to 20 square feet per directional sign. It has been determined by the Brooklyn Park Fire Department that a directional sign would sufficiently address the fire code requirements to ensure adequate support for the CP property. The subject property has existing signage to support the development existing on the property that was conforming to the sign code at the time of development.

Variances may be granted if the enforcement of a zoning ordinance provision, as applied to a specific property, would cause the landowner “practical difficulties”. For “practical difficulties” to be established, they must meet all three of the evaluation criteria for the three-factor test, as listed below. Statute lists additional factors for the consideration of a variance, such as economic considerations do not constitute practical difficulties, and the board of appeals and adjustments or the governing body (in Brooklyn Park, this is the Planning Commission) as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located (Minn. St. 462.357 subp. 6).

Current Conditions

There are no outstanding enforcement cases open on Lot 2, Block 1, Northcross Business Park (“UP property”). The property has approvals for three signs total- one monument and two wall signs.

Future Land Use	Employment
Current Zoning	Transit Oriented Development/Employment Transition (TOD-ET)
Site Area	10.35 acres
Surrounding Zoning	North – BP/PD – Business Park District/Planned Development Overlay East – TOD-ET – Transit Oriented Development/Employment Transition South – TOD-ET – Transit Oriented Development/Employment Transition West – BP/PD – Business Park District/Planned Development Overlay
Conforms to	
Land Use Plan	Yes
Zoning Code	Yes
Notification	Legal notice was published in the Sun Post, 13 Notices were mailed, Proposed Development Sign was placed on the property.
60- and 120- Days (MN §15.99)	October 22, 2023; December 21, 2023

Previous Approvals

Two sign permits have been approved on this property, the first for a monument sign on April 20, 2015, and the second for two wall signs on August 25, 2015.

Variance

Requests for variances to the sign ordinance must follow the same considerations as outlined in the zoning code, per §150.08. Minnesota Statute requires all variance requests be evaluated and be found to meet all conditions of the three-factor test for practical difficulties (§ 462.357, subd. 6). The applicant's submitted findings can be found in Attachment C, and are summarized below:

The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any practical use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place the building there is reasonable. In this case:

Applicant Submission: The subject property does not have frontage on an accessible public street. To direct deliveries, visitors, and life safety to the subject site, a monument sign listing each tenant is necessary along Winnetka Avenue North. The proposed monument sign (Sign 2) will be located on the southeast corner of Lot 2, Block 1, Northcross Business Park, which has an existing monument sign in the northeast corner of the lot. The two monument signs will be about 1,200 feet apart and not visible from one location. It is our opinion that this is a reasonable use.

Staff response: Signs are a reasonable use, which the subject property is entitled to. The denial of this variance would not constitute a practical difficulty as a directional sign would address safety concerns, and the subject property has met the maximum number of advertising and area identification signs. The CP property is entitled to the same amount of advertising and area identification signs on their property, which faces Highway 610.

The second factor is that the landowner's problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees. In this case:

Applicant Submission: The subject property was purchased from MnDOT as excess right of way no longer needed by the state. The subject property does not have frontage on an accessible public street. The property is accessed via a shared driveway through the adjacent business park, with said drive having access to Winnetka Avenue N. These are unique circumstances and were not created by the landowner.

Staff response: There are no physical characteristics existing on the subject property that would necessitate the approval of an additional monument sign. While staff acknowledges there are unique physical circumstances of the CP property, the variance request is for the subject property, on which these characteristics are not present.

The third factor is that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to the lot line and if that fits in with the character of the area. *In this case:*

Applicant Submission: The subject property is located in a business park, with no residential property in or near the business park. Allowing a monument sign along Winnetka Avenue North will not alter the character of the area or neighborhood because there are several businesses along Winnetka Avenue North with similar monument signs.

Staff response: The addition of a monument sign would not alter the character of the development. This is a business park development in which signs are a common use.

The Statutory requirement as well as variance standards in the Zoning Ordinance (§152.034) state that variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the variances are consistent with the comprehensive plan. A variance can only be granted provided that all of the findings have been met. In this case, the absence of unique physical characteristics of the site means that this request does not meet all required findings for approval, and therefore staff is recommending denial.

Staff recommends the Planning Commission adopt the abovementioned findings of fact to support denial of a variance request for a second monument sign at Lot 2, Block 1, Northcross Business Park.

Alternatives to consider:

1. Approve the findings of fact to deny the requested variance as recommended by Staff.
2. Approve the findings of fact to deny the requested variance with modifications.
3. Deny the findings of fact for the variance request and recommend approval of the variance request based on certain findings.

Attachments:

- A. RESOLUTION – FINDINGS OF FACT
- B. LOCATION MAP
- C. APPLICANT'S NARRATIVE
- D. PREVIOUS APPROVALS
- E. PLANS

RESOLUTION #2023-____

RESOLUTION TO ADOPT FINDINGS OF FACT FOR THE DENIAL OF A VARIANCE
REQUEST FOR A SECOND MONUMENT SIGN ON LOT 2, BLOCK 1, NORTHCROSS
BUSINESS PARK

Planning Commission File #23-116

WHEREAS, Capital Partners, on behalf of Northcross W Indus Owner, LLC, has made application for a Variance under the provisions of Chapter 150 of the City Code at 9435 Winnetka Avenue North and legally described as:

LOT 2, BLOCK 1, NORTHCROSS BUSINESS PARK, HENNEPIN COUNTY,
MINNESOTA.

WHEREAS, the matter has been referred to the Planning Commission who have given their advice and recommendation to the City Council; and

WHEREAS, the variance request for the construction of a second monument sign would require a deviation from City Code Chapter 150, Section 150.28; and

WHEREAS, the Planning Commission held a public hearing on October 11, 2023; and

WHEREAS, Minnesota Statute Section 462.357, subd. 6 provides:

1. Variances shall only be permitted (a) when in harmony with the general purposes and intent of the ordinance, and (b) when the variances are consistent with the comprehensive plan.
2. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties", as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands and existing and anticipated effects on the neighborhood have been considered; and

WHEREAS, the Planning Commission has reviewed the variance request for a second monument sign, and finds the request:

1. Is in conflict with the purposes and intent of the ordinance because properties zoned TOD-ET are permitted only one monument sign.
2. The applicant is requesting an unreasonable use, the installation of second monument sign is not reasonable.
3. The applicant's circumstances are not unique to the property, there are many properties within the City of Brooklyn Park that operate with the allowable number of signs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK, MINNESOTA that:

The application to issue a variance for a second monument sign would require a deviation from City Code Chapter 150, Section 150.28 is hereby denied.

The petitioner shall be required to record a copy of this resolution with the Hennepin County Recorder and to pay all fees for said recording. Proof of said recording shall be filed promptly with the City.



Site Plan Review
Case #22-111 – 169 Logistics Center
Area of Request (Spring 2018 Air Photo)
SE intersection of HWY 169/610

Brooklyn Park 





August 7, 2023

Amber Turnquist – Principal Planner
Members of the City Council and Planning Commission

City of Brooklyn Park
5200 85th Avenue N
Brooklyn Park, MN 55443

Re: **169 LOGISTICS CENTER**
Variance to Zoning Code for Offsite Sign

Ms. Turnquist and Members of the City Council/Planning Commission:

Capital Partners recently purchased 10.8 acres of excess right of way from MnDOT in the southeast quadrant of Highway 169 and Highway 610 to construct two industrial office/warehouse buildings. The property is accessed via a shared driveway through the adjacent business park, with said drive having access to Winnetka Avenue N. Building 1 (south building) was completed in May of 2023 and is partially occupied by EnPointe. Building 2 will be complete in October of 2023 and will be fully occupied by two tenants upon completion. Our tenants have expressed concerns regarding the ability for deliveries, visitors, and life safety to locate the site. The property does not have frontage on an accessible public way and wayfinding has proved to be a challenge. To address this issue, Capital Partners is proposing to construct two ground signs at the locations shown on the attached site plan.

Proposed Sign 1

This sign will be located on Lot 1, Block 1, Highway 169 Logistics Center which is owned by ERG-CP Brooklyn Owner LLC and controlled by Capital Partners. This sign will meet all zoning requirements and an elevation view of the sign is attached.

Proposed Sign 2

This sign will be located on Lot 2, Block 1, Northcross Business Park which is owned by Northcross W Indus Owner LLC and controlled by United Properties. This sign will be located in the southeast corner of the lot, in the northwest quadrant of the intersection of Winnetka Avenue North and the private shared driveway serving the subject site. There is an existing monument sign in the northeast corner of this lot, approximately 1,200 feet north of the proposed new sign location.

Per the City of Brooklyn Park Zoning Code, only one free standing or monument sign is allowed per lot. Because there is an existing monument sign on Lot 2, Block 1, Northcross Business Park, a variance is required to allow for the construction of Sign 2.

Capital Partners Management

5201 Eden Avenue S, Suite 50

Edina, MN 55436

www.CapitalPartnersMN.com

Variance Request for Sign 2

Capital Partners respectfully requests a variance to the sign code to construct Sign 2 on Lot 2, Block 1, Northcross Business Park, which currently has an existing monument sign. The variance request is to allow for two monument signs on one lot. To process a variance request, certain review standards must be met. These are known as Practical Difficulties are discussed below:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

The subject property does not have frontage on an accessible public street. To direct deliveries, visitors, and life safety to the subject site, a monument sign listing each tenant is necessary along Winnetka Avenue North. The proposed monument sign (Sign 2) will be located on the southeast corner of Lot 2, Block 1, Northcross Business Park, which has an existing monument sign in the northeast corner of the lot. The two monument signs will be about 1,200 feet apart and not visible from one location. It is our opinion that this is a reasonable use.

2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

The subject property was purchased from MnDOT as excess right of way no longer needed by the state. The subject property does not have frontage on an accessible public street. The property is accessed via a shared driveway through the adjacent business park, with said drive having access to Winnetka Avenue N. These are unique circumstances and were not created by the landowner.

3. Granting the variance will not alter the essential character of the area or neighborhood where the property is located.

The subject property is located in a business park, with no residential property in or near the business park. Allowing a monument sign along Winnetka Avenue North will not alter the character of the area or neighborhood because there are several businesses along Winnetka Avenue North with similar monument signs.

4. Economic considerations alone do not constitute practical difficulties.

It is our opinion that allowing the monument sign along Winnetka Avenue North may provide a minor economic benefit to the tenants of our buildings, but the primary purpose of the sign is to direct deliveries, visitors, and life safety to the subject property.

5. There is inadequate access to direct sunlight for a solar energy system.

Not applicable.

In addition to the above review standards, the sign ordinance also lists certain review standards. The Practical Difficulties from the sign ordinance are discussed below:

- a. There are special conditions or circumstances affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the applicant's land.**

The subject property does not have frontage on an accessible public street. To direct deliveries, visitors, and life safety to the subject site, a monument sign listing each tenant is necessary along Winnetka Avenue North. The proposed monument sign (Sign 2) will be located on the southeast corner of Lot 2, Block 1, Northcross Business Park, which has an existing monument sign in the northeast corner of the lot. The two monument signs will be about 1,200 feet apart and not visible from one location. It is our opinion that this is a reasonable use.

- b. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.**

Businesses wanting to locate at the subject site, and within the City of Brooklyn Park, have the right to provide wayfinding to their site for deliveries and visitors, and particularly for life safety. Not allowing the monument sign to be located along a public right of way (Winnetka) would deprive the tenants of critical signage needed for wayfinding purposes.

- c. The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the area in which the property is situated and will not have an adverse effect upon traffic or traffic safety.**

The subject property is located in a business park, with no residential property in or near the business park. Allowing a monument sign along Winnetka Avenue North will not alter the character of the area or neighborhood because there are several businesses along Winnetka Avenue North with similar monument signs. Furthermore, the proposed location of the sign will have a beneficial effect on traffic and traffic safety because deliveries, visitors, and life safety will be able to identify the private drive leading to the subject site and will prevent backups on Winnetka.

Permission from United Properties

United Properties has given us preliminary approval to construct Sign 2 at the location shown on the site plan. There is an existing shared driveway easement in place and Capital Partners and United Properties are both parties to said easement. If the sign variance is approved, Capital Partners will enter a sign easement with United Properties to construct Sign 2.

Closing

The ability for us to preserve our existing tenants and to attract new tenants to our buildings is greatly impacted by our ability to provide signage along Winnetka Avenue North. It is our opinion that this variance request is reasonable and will not have an adverse effect on the surrounding area. Your guidance and feedback on our variance request are welcomed. If you have questions or require further information, please contact me at 612-730-2265 or via email at jradach@contourcd.com.

Respectfully,

A handwritten signature in blue ink, appearing to read "Joe T. R.", is positioned above the typed name.

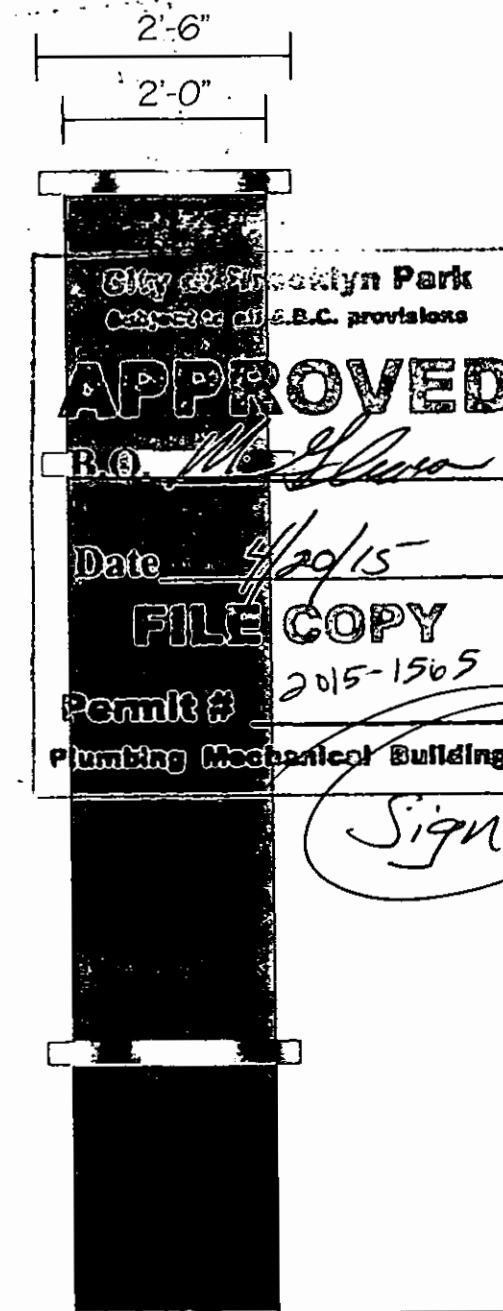
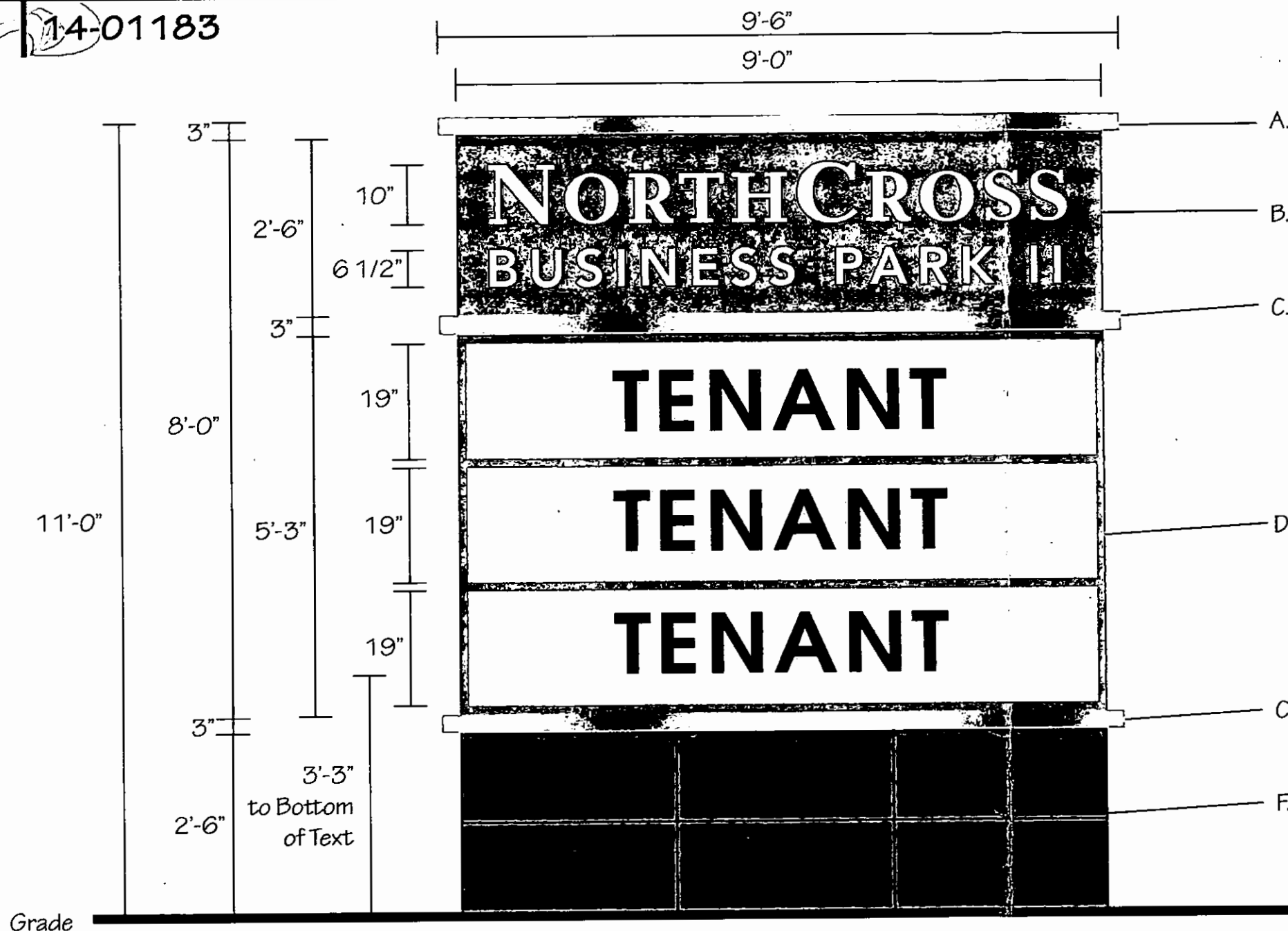
Joseph Radach PE
Capital Partners

cc: Timothy McShane – Capital Partners

2 Northcross Business Park

14-01183

Monument 2
120 Volt @ 5.25 Amps



Furnish and Install (1) 8'-0" x 9'-0" D/F LED Illuminated Monument Sign

- A. Aluminum Cap Finished Metallic Silver
- B. Routed Aluminum Face - Finish Color To Match SW 7031 Mega Greige
- C. Aluminum Accent - Finished Metallic Silver
- D. Routed Aluminum Tenant Faces Finished to Match SW 6084 Modest White
Backed with White Lexan, Tenant Graphics are First Surface Translucent Vinyl Graphics
- F. Aluminum Pole Cover with Sprayed Stucco Finish - To Match MP 10277 Modeling Clay

*Copy Must be 36" Above Grade

Separate permit and inspections by the Minnesota State Board of Electricity required for electrical work.

- Due to variances among color monitors, the colors shown may vary from actual finish color -

6.2D SIGN PERMIT

SPECTRUM
SIGN SYSTEMS, INC
9278 Isanti St. NE
Blaine, MN 55449
763.432.7447 OFFICE
763.208.9159 FAX
www.spectrum-signs.com

CLIENT INFORMATION

United Properties
Attn: Brandon Champeau
3600 American Blvd W.
Suite 750
Minneapolis, MN 55431
PHONE
952-837-8653

JOBSITE
9435 Winnetka Ave. N
Brooklyn Park, MN

DATE/REVISIONS
4-1-15

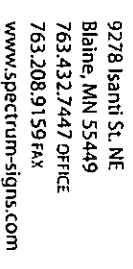
DESIGNER
Patrick Woller
SALESPERSON
Rick Ferraro

This drawing is the exclusive property of Spectrum Sign Systems, Inc. It is not to be produced or duplicated without the written consent of Spectrum Sign Systems, Inc. Distribution of this drawing for the purpose of constructing the sign by anyone other than Spectrum Sign Systems, Inc. is strictly prohibited. If such an event occurs Spectrum Sign Systems will be reimbursed \$1,000.00 per occurrence.

Customer Approval

Date

Page 11



4-1-15

Customer Approval

3'-0" Diameter x 8'-0" Deep Footing with
Welded Rebar Cage

(4) #6 Vertical Reinforcing Bars and
#3 Horizontal Bars @ 12" O.C.

Concrete Mix 4000 PSI

120 Volt @ 5.25 Amps

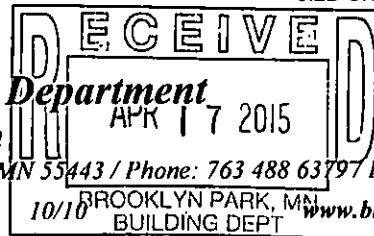
- Due to variances among color monitors, the colors shown may vary from actual finish color -

Date _____



4/20/15 -
called for
new
(460.00) for
check

City of Brooklyn Park
Community Development Department
Building Inspections Division
5200 85th Avenue North / Brooklyn Park, MN 55443 / Phone: 763 488 6379 / Fax 763 493 8171
Sign Permit Application



6.2D SIGN PERMIT #12361

shred per contract

GOVERNMENT DATA PRACTICES ACT - TENNESON WARNING: The data you supply on this form will be used to process the permit you are applying for. You are not legally required to provide this data, but we will not be able to grant the permit without it. The data will constitute a public record if and when the permit is granted.

Site Location: 9435 Winnetka Avenue Date: _____

Business or Tenant Name: North Cross Business Park

Applicant Name: Spectrum Sign Systems License #: _____

Address: 9278 Isanti Street NE, Blaine, MN 55449 Phone #: (763) 432-7447

Applications for permit **must** be accompanied by accurately dimensioned plans including size of sign, size of footings, wall attachment details and message. Please include all existing signs on property. Survey and site plan required for monument and free standing signs.

Permit Type: Residential _____ Commercial X Other _____

Type of Sign: Wall _____ Monument X Free Standing _____

Work Type: New X Alteration _____ Temporary _____

Size: Height 8'-0" Width 9'-0" Total sq ft 72 Footing size 3'-0" Round x 8'-0" deep

Size: Height _____ Width _____ Total sq ft _____ Footing size _____

<u>Computation of Fees:</u>	<u>\$ Amount</u>		<u>Quantity</u>		<u>Subtotal</u>
Wall Sign	\$ 90.00	X	_____	=	\$ _____
Free Standing	150.00	X	_____	=	\$ _____
Monument	150.00	X	<u>1</u>	=	\$ <u>150.00</u>
Temporary	75.00	X	_____	=	\$ _____
State Surcharge:	5.00				\$ <u>5.00</u>

Total \$ 155.00

Payment method: ☐ Cash ☒ Check ☐ Credit Card

I hereby apply for a sign permit and I acknowledge that the information above is complete and accurate; that the work will be done in accordance with the ordinances of the City of Brooklyn Park and with the Minnesota State Building Code; that I understand this is not a permit but an application for a permit and work is not to start without a permit; that the work will be in accordance with the approved plans, specifications and codes.

Print Name Mary Ferraro Signature Mary Ferraro

Office Use:

Required Inspections: Site _____ Footing X Final X

Approvals Required: Planning 4/20/15 Building _____ CEPH _____

Permit Approved By: M. Gleason Date: 4/20/15 Sign 2015-1565
Page 13

City of Brooklyn Park
Subject to all O.C. provisions

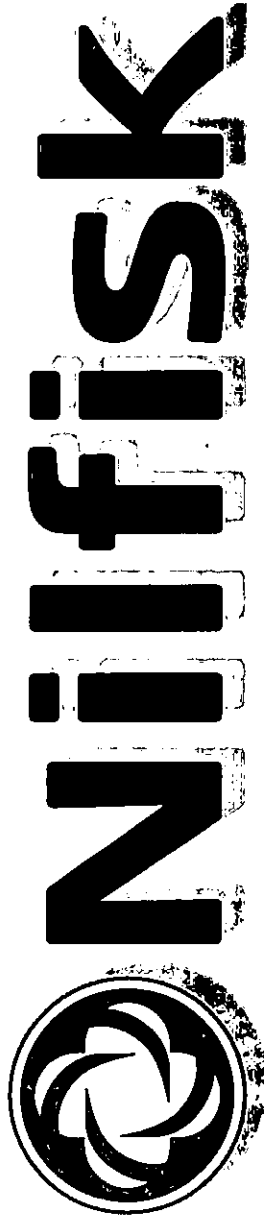
Separate permit and inspections by the
Minnesota State Board of Electricity required
for electrical work.

Permit # 2015-111111
Plumbing Mechanical Building

Lawrence
Sign

SIGN PACKAGE

08.13.15



6.2D SIGN PERMIT

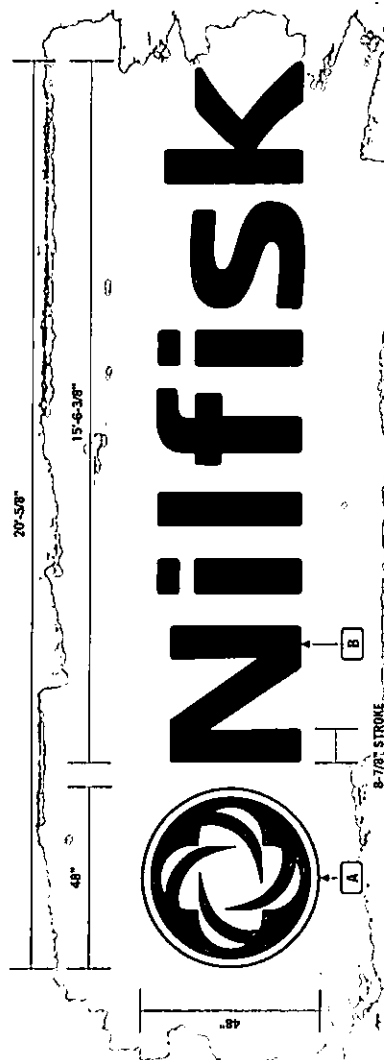
BROOKLYN PARK - MN

9435 Winnetka Ave

Sign

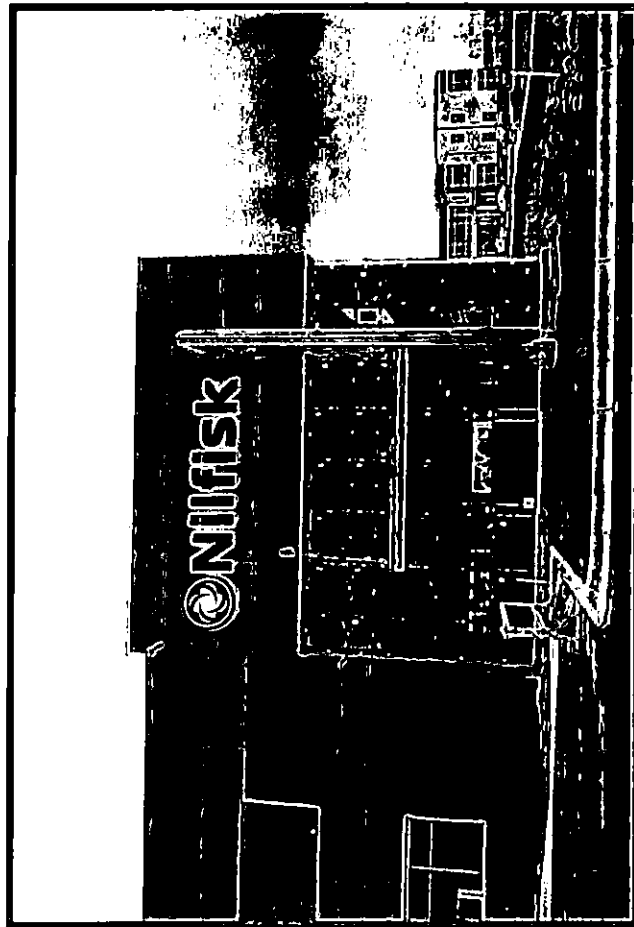
BROOKLYN PARK - MN

SQUARE FOOTAGE = 80.20



1 LETTERSET LAYOUT

SCALE: 3/8" = 1'-0"



EAST ELEVATION

DESCRIPTION

- A** ILLUMINATED LOGO
 - 5" DEEP BLACK RETURNS
 - 1" BLACK TRIM CAP
 - WHITE FACES
 - V1 & V2 VINYL APPLIED TO FACE
 - WHITE LED ILLUMINATION
 - MOUNT FLUSH TO WALL
- B** ILLUMINATED LETTERS
 - 5" DEEP BLACK RETURNS
 - 1" BLACK TRIM CAP
 - WHITE FACES
 - V1 VINYL APPLIED TO FACE
 - WHITE LED ILLUMINATION
 - MOUNT FLUSH TO WALL

FINISH SCHEDULE

- V1** 3M TRANS. DARK BLUE (230-36)
- V2** 3M TRANS. CARDINAL RED (230-53)
- CT** BLACK TRIM CAP & RETURNS

Lawrence
ΔSign
www.lawrenceesign.com

945 Prince Butler Road, St. Paul, MN 55104
651.488.6711 • 800.998.9901

Nifisk

9435 WINNETKA AVE. NORTH
BROOKLYN PARK, MN 55445

FACE LIT CHANNEL LETTERS

CUSTOMER APPROVAL

NAME: _____
DATE: _____

REV1: _____
REV2: _____
REV3: _____
REV4: _____
REV5: _____
REV6: _____
REV7: _____
REV8: _____

SALES: DP PR:

DESIGN: RR

DATE: 08.13.15

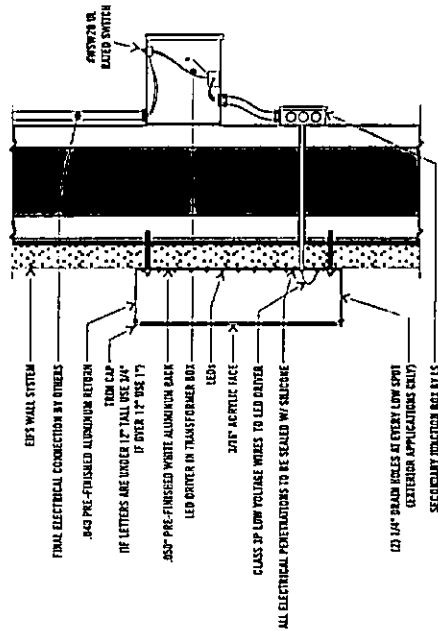
DWG: 7505-01

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ELECTRIC
SIGN

PAGE: 1.1

2 SECTION DETAIL
SCALE: NTS





EAST ELEVATION - NIGHT VIEW

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BROOKLYN PARK, MN 55445

FACE LIT CHANNEL LETTERS

CUSTOMER APPROVAL

NAME: _____
DATE: _____

REV1 _____
REV2 _____
REV3 _____
REV4 _____
REV5 _____
REV6 _____
REV7 _____
REV8 _____

SALES: DP PR
DESIGN: RR
DATE: 08.13.15
DWG: 7505-01



8-25 Sending in check

6.2D-SIGN PERMIT

114046

not sure what that is →



Sign Permit Application

Community Development Department

Building Inspections Division

5200 85th Avenue North / Brooklyn Park, MN 55443

Phone: (763) 488-6379 / Fax: (763) 493-8171

4/15

www.brooklynpark.org

GOVERNMENT DATA PRACTICES ACT - TENNESON WARNING: The data you supply on this form will be used to process the permit you are applying for. You are not legally required to provide this data, but we will not be able to grant the permit without it. The data will constitute a public record if and when the permit is granted.

Site Location: 9435 Winnetka Ave N Date: 8-24-15Business or Tenant Name: NilfiskContractor/Applicant Name: Lawrence Sign License #: LC895000Address: 945 Pierce Butler Dr Phone #: 651-488-6711

Applications for permit **must** be accompanied by accurately dimensioned plans including size of sign, size of footings, wall attachment details and message. Please include all existing signs on property. Survey and site plan required for monument and free standing signs.

Permit Type: Residential _____ Commercial ☒ Other _____Type of Sign: Wall ☒ Monument _____ Free Standing _____Work Type: New ☒ Alteration _____ Temporary _____Size: Height 58" Width 24' 2 3/4" Total sq ft 117.10 Footing size _____Size: Height 48" Width 20' 5/8" Total sq ft 20.2 Footing size _____

Computation of Fees:	\$ Amount	Quantity	Subtotal
Wall Sign	90.00	X <u>2</u>	= \$ <u>180.00</u>
Free Standing	150.00	X _____	= \$ _____
Monument	150.00	X _____	= \$ _____
State Surcharge:	1.00		\$ <u>1.00</u>
Total			\$ <u>181.00</u>

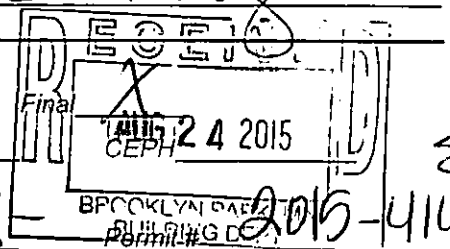
Payment method: ☐ Cash ☒ Check ☐ Credit Card

I hereby apply for a sign permit and I acknowledge that the information above is complete and accurate; that the work will be done in accordance with the ordinances of the City of Brooklyn Park and with the Minnesota State Building Code; that I understand this is not a permit but an application for a permit and work is not to start without a permit; that the work will be in accordance with the approved plans, specifications and codes.

Print Name Shari King Signature SKing

Office Use:

Required Inspections: Site _____ Footing _____

Approvals Required: Planning 128-2615 Building _____Permit Approved By: M. Elson Date: 8/25/15

HIGHWAY 610

EXISTING
MONUMENT
SIGN

BLDG 2
LOT 1, BLOCK 1
HIGHWAY 169
LOGISTICS CENTER
BLDG 1

LOT 2, BLOCK 1
NORTHCROSS
BUSINESS PARK

WINNETKA AVE N

HIGHWAY 169

PRIVATE DRIVE

PROPOSED
SIGN 1

PROPOSED
SIGN 2

93RD AVE N



169 LOGISTICS CENTER

9491 & 9495 Winnetka Ave N Brooklyn Park, MN 55445

SIGN PACKAGE - ROUND 5

// 080723

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PROPOSED SIGN 1

DOUBLE SIDED



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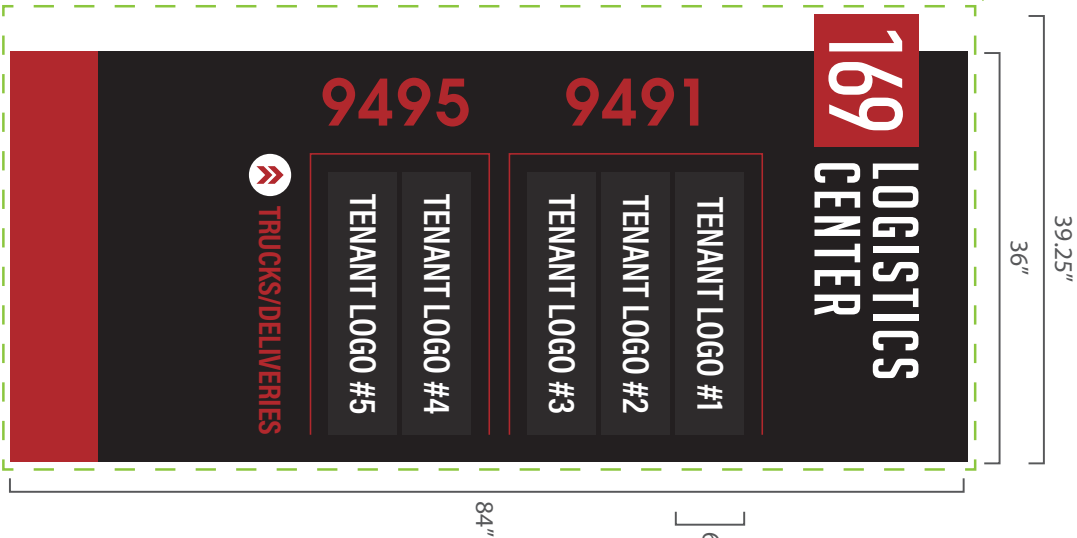
PROPOSED SIGN 1

DOUBLE SIDED

PROPOSED SIGN 1 - LIVE AREA = 22.89 Sq. Ft.



LIVE AREA: 22.89 Sq. Ft.



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PROPOSED SIGN 2

DOUBLE SIDED



LOGISTICS
169
CENTER

- TENANT LOGO #1
- TENANT LOGO #2
- TENANT LOGO #3
- TENANT LOGO #4
- TENANT LOGO #5



WÜRTH | **NILFISK**
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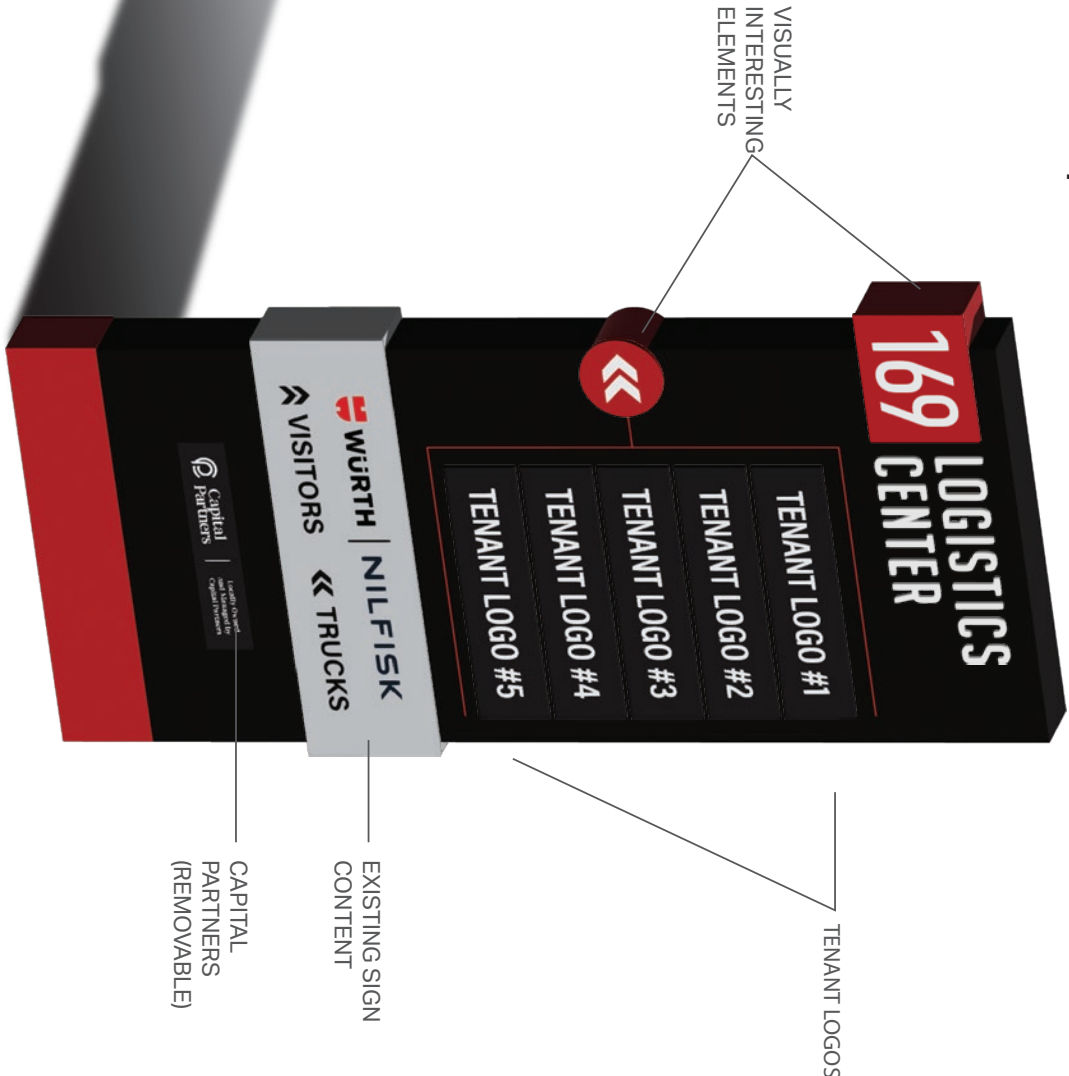
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PROPOSED SIGN 2

DOUBLE SIDED

LIVE AREA: 93.94 Sq. Ft.

PROPOSED SIGN 2 - LIVE AREA = 93.94 Sq. Ft.



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ADDRESS #2

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TENANT SIGNAGE

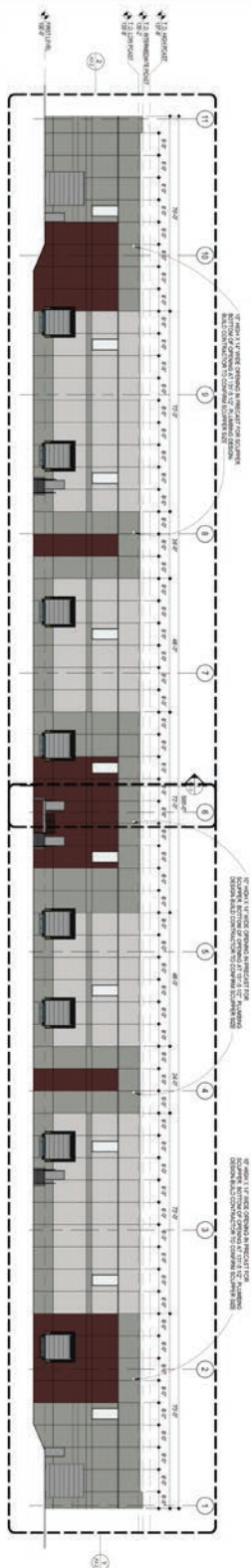
BUILDING 1



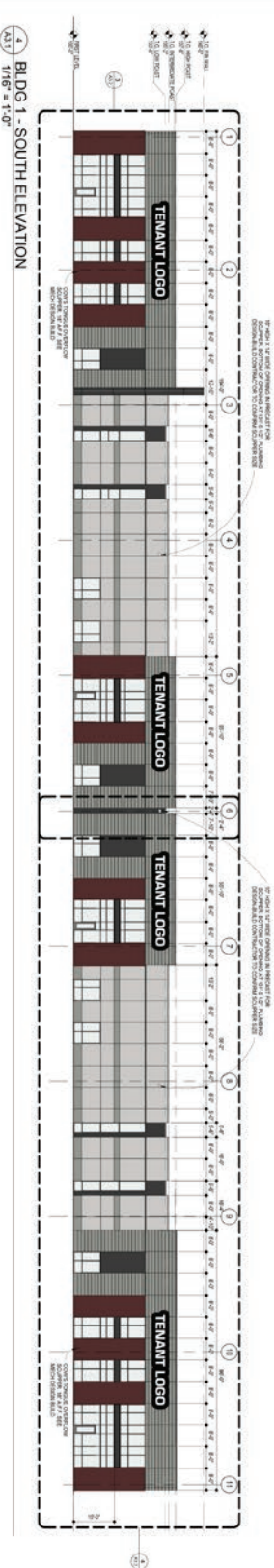
BLDG 1 - EAST ELEVATION
1/16" = 1'-0"



2 BLDG 1 - WEST ELEVATION
A3.1 1/16" = 1'-0"



3 BLDG 1 - NORTH ELEVATION
AS1 1/16" = 1'-0"



4 BLDG 1 - SOUTH ELEVATION
1/16" = 1'-0"

[illegible]

MATERIAL AREA CALCULATIONS					
	PERCENT	GRADE	GLASS	NET AREA	TOTAL GLASS SURFACE
WIND EXPOSURE	100%	10%	20%	2.18	44.16
SOUTH EXPOSURE	100%	10%	20%	1.81	36.16
EAST EXPOSURE	100%	10%	20%	1.81	36.16
WEST EXPOSURE	100%	10%	20%	1.81	36.16
ROOF EXPOSURE	100%	10%	20%	4.25	84.96

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GROUP

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PARTNERS
169 LOGISTICS
CENTER BLDG.
BROOKLYN
PARK, MN

OVERALL
EXTERIOR
ELEVATIONS,
EXTERIOR
MATERIAL FINISH
SCHEDULE

ISSUES & RESOLUTIONS	DATE
1. SITE & PRECAST	06/01/22
2. CITY SUBMITTAL	06/01/22
3. ADDENDUM 1	06/17/22
4. PERMIT ISSUE	06/29/22
5. ADDENDUM 2	07/22/22
6. AS-2	08/08/22

CONNECTION NO.	21639-21640
GRABIN BY	KE. LL
DATE OBS'D BY	RL

SHEET

A3.3.1

$$\frac{1}{\lambda} = \frac{1}{\lambda_0} + \frac{1}{\lambda_1} + \frac{1}{\lambda_2} + \dots + \frac{1}{\lambda_n}$$

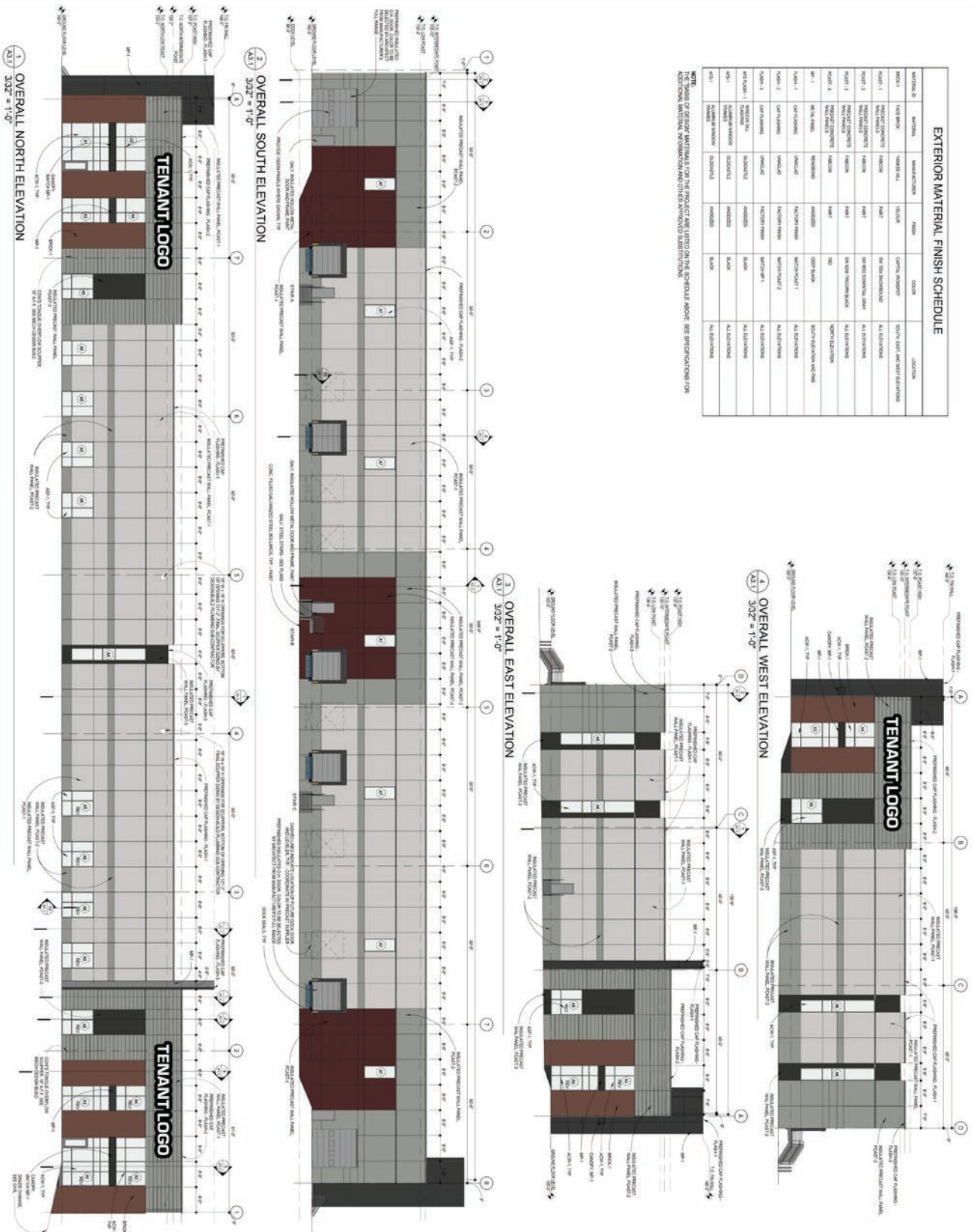
TENANT SIGNAGE

BUILDING 2

EXTERIOR MATERIAL FINISH SCHEDULE

[illegible]

NOTE:
THE TYPES OF DESIGN MATERIALS FOR THE PROJECT ARE LISTED ON THE SCHEDULE ABOVE. SEE SPECIFICATIONS FOR
ADDITIONAL MATERIAL INFORMATION AND OTHER APPROVED SUBSTITUTIONS.



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GmbH

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PARTNERS
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CENTER BLDG. 2
BROOKLYN
PARK, MN

OVERALL
EXTERIOR
ELEVATIONS,
EXTERIOR
MATERIAL FINISH
SCHEDULE

ISSUES & REVISIONS	DATE
1 STEEL & PRECAST	06/08/22
2 PERMIT ISSUE	08/17/22

[illegible]

COMMISSION NO.	11679-2207
DATE IN	DO, LC
DATE OFD BY	1
SHEET	

A3.1

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THANK YOU FOR YOUR TIME.

WE'D LOVE TO CONTINUE THE CONVERSATION...

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City of Brooklyn Park

Planning Commission Staff Report

Agenda Item:	6.3	Meeting Date:	October 11, 2023
Agenda Section:	Public Hearings	Originating Department:	Community Development
Resolution:		Prepared By:	Erin McDermott, Associate Planner
Ordinance:	X		
Attachments:	5	Presented By:	Paul Mogush, Planning Director
Item:	Zoning Code Text Amendment: A Zoning Text and Map Amendment Adopting the Mixed Use (MU) Zoning District and Pedestrian Priority Overlay District (PPOD)		

Proposed Action:

MOTION _____ SECOND _____ TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES ADOPTING THE MIXED USE ZONING DISTRICT AND PEDESTRIAN PRIORITY OVERLAY DISTRICT THROUGH TEXT AND MAP AMENDMENT TO BE APPLIED TO THE AREA SURROUNDING THE INTERSECTION OF ZANE AVENUE AND OAK GROVE BOULEVARD.

MOTION _____ SECOND _____ TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 150 OF THE BROOKLYN PARK CODE OF ORDINANCES ADOPTING SIGN REGULATIONS FOR THE MIXED USE ZONING DISTRICT.

Staff Recommendation:

Staff recommends approval of the ordinance changes.

Overview:

On March 27, 2023, the Brooklyn Park City Council adopted an interim ordinance (2023-1287) establishing a development moratorium in the northwest portion of the city. The purpose of the moratorium is to conduct a study to consider the types of developments and land uses that would maximize the City's tax base. On April 10, 2023, the City Council approved a scope of work for the study that includes a focus on the 610-Zane area.

Planning and development consultants NEOO Partners created a series of hypothetical development models using 43 acres of vacant land in the vicinity of Zane Avenue and Oak Grove Parkway to test the viability of various development densities (attached). NEOO and City staff engaged the City Council, Planning Commission, and the Brooklyn Park community on the tradeoffs associated with these models (see attached engagement summary) and found that there is substantial support for guiding the remaining developable land in the 610-Zane area for walkable, high-density, mixed-use development.

A Comprehensive Plan Amendment was approved by City Council on August 28, 2023 which was submitted to the Metropolitan Council on September 8, 2023.

The adoption of this zoning district through code amendment is the final step to articulating the development aspirations established by the planning study. These amendments must be completed prior to the expiration of the interim ordinance on November 5, 2023.

Future Land Use Plan	Mixed Use and High Density Residential
Current Zoning	Town Center (TC), General Business District/ Planned Development Overlay (B3/PD), Planned Community Development District/Highway Overlay (PCDD/HO),
Proposed Zoning	Mixed Use and R7 – High Density Residential
Neighborhood	Founders, Trinity Gardens, Oak Grove and Tessman
Site Area	160 acres
Notification	429 Public Hearing Notices mailed Posted in the Sun Post

Over the course of the interim ordinance, City Council held two joint work sessions with Planning Commission, as well as a work session held by Planning Commission to inform staff of the objectives of the Mixed Use zoning district. These objectives informed the Comp Plan changes that have been adopted, as well as the zoning regulations to be considered as proposed. These objectives are listed below with an explanation of how these have been met with the Comp Plan update, as well as how these impact the zoning text amendment as attached.

Objective	Comp Plan Policy	Zoning Regulations
Allow the scale of buildings necessary to achieve the council's goal of increasing value	Maximum 8 stories (12 stories in LRT Overlay)	Maximum 8 stories in MU District
Ensure that individual parcels and the area as a whole are not underdeveloped , which would be counter to the Council's goal of increasing value	Establish minimum development intensity standards to ensure efficient use of land (Minimum Floor Area Ratio)	MU District: Minimum Floor Area Ratio of 1.0 PPOD Overlay: Minimum Floor Area Ratio of 0.5
Allow enough residential density (units/acre) to support the envisioned scale of development	12-100 Units per Acre	Does not directly regulate units per acre, but allows enough building bulk to accommodate density range.
Allow a wide range of uses including high-density residential, retail, service, office, and restaurants	High-density residential, retail, service, office, restaurants, medical, hospitality, and recreation.	Wide range of uses allowed
Ensure that retail is included along Xylon in the Zane-Oak Grove area and on future walkable streets in other areas where the Mixed Use category is applied	Require retail along designated Pedestrian Priority Streets	Pedestrian Priority Overlay District (PPOD) requires and includes lower minimum FAR (0.5) to ensure retail development along this corridor.
Ensure that new development and street connections support a walkable environment	New buildings require traditional neighborhood design with buildings close to the street and plenty of windows. New streets require a walkable block size and a design that promotes pedestrian safety and comfort, including ample sidewalk width, landscaping, and street furniture.	Pedestrian scaled signage, the reduction in glazing at the ground floor to 30%, and civic space requirements all encourage pedestrian activity within this zoning district. Multiple types of civic spaces are articulated to provide a variety of options of walkable environments.

Technical Changes

The Mixed Use zoning district is modeled after and included in the existing TOD-G section of the zoning ordinance, approved in 2018. Additions to the TOD-G districts that differentiate the MU from other zoning districts are as follows:

- Parking minimums and maximums apply to the MU
- Removal of references to the Station Area Plan
- The addition of a minimum FAR of 1.0 with the deletion of maximum building width.
- The reference to a Station Area Street Plan Network was replaced with a Small Area Plan Street Network.
- The reduction of glazing requirements
- Addition of façade types to permit stoop and porch.
- Within the TOD-G building height is permitted to go up to 12 stories upon construction of the Oak Grove METRO station, as the MU is not in proximity to a station, the height is limited to 8 stories with no provision to permit for higher structures.

The proposed amendment to the TOD/MU zoning for the prohibition of Industrial grade concrete precast panels, with architecturally textured concrete precast panels considered a class two material, consistent with Planning Commission recommendation.

The proposed amendment for the addition of Concept, Regulating and Development Plan procedures for the administration of development requirements consistent with the MU.

The proposed amendment to Chapter 150 – Signs is intended to scale signage focused on pedestrian use. Wall sign development standards are consistent with the sign allowances in the B3 – General Commercial zoning district, with allowance of monument signs that are not overwhelming to pedestrian traffic.

Budgetary/Fiscal Issues: N/A

Alternatives to Consider:

1. Approve the text amendment as presented.
2. Approve the text amendment with modifications.
3. Decline to approve the text amendment.

Attachments:

- 6.3A Proposed Ordinance - Rezoning
- 6.3B Proposed Ordinance – Mixed Use
- 6.3C Proposed Ordinance – Pedestrian Priority Overlay District
- 6.3D Proposed Ordinance – Procedures
- 6.3E Proposed Ordinance – Signs

ORDINANCE #2023 –

ORDINANCE REZONING CERTAIN PROPERTY SURROUNDING THE 610 CORRIDOR AT ZANE AVENUE

WHEREAS, the Brooklyn Park City Council adopted Interim Ordinance 2023-1287, and directed staff to conduct a planning study to consider the types of developments and land uses that would maximize the City's tax base; and

WHEREAS, the study identified 55 properties within the boundaries of the interim ordinance to be re-guided in the Comprehensive Plan, and subsequently re-zoned to be consistent with the goal specified in the interim ordinance (EXHIBIT A); and

WHEREAS, this rezoning is consistent with the approval of Resolution 2023- 96 Approving Comprehensive Plan Amendment #23-112 Consistent with the Goals of Interim Ordinance 2023-1287 (EXHIBIT B); and

WHEREAS, the City of Brooklyn Park adopted Ordinance #2023-____ establishing the Mixed Use Zoning District; and

WHEREAS, in adopting Ordinance #2023-____, the City Council understood that it would be simultaneously be rezoning properties identified in EXHIBITS C and D of this Ordinance; and

WHEREAS, the owners of the affected properties that were proposed to be rezoned were notified of the City's proposed amendments consistent with Minnesota Statute 462.357 Subd. 3; and

WHEREAS, this Ordinance supersedes existing overlay districts.

NOW, THEREFORE, THE CITY OF BROOKLYN PARK ORDAINS that the properties described in EXHIBIT C, surrounding the 610 Corridor at Zane Avenue, are rezoned as depicted in the map attached as EXHIBIT D.

ORDINANCE #2023-1287

INTERIM ORDINANCE ESTABLISHING A SIX-MONTH MORATORIUM ON DEVELOPMENT
OF PROPERTY LOCATED NORTH OF 93RD AVENUE AND WEST OF REGENT AVENUE
AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED

THE CITY OF BROOKLYN PARK ORDAINS:

Section 1. Background.

1.01 Minnesota Statutes, Section 462.351 states that one of the purposes of municipal planning is to allow a municipality to achieve a more secure tax base.

1.02 The City Council has been discussing various methods to achieve a more secure tax base on property in the northwest portion of the City.

1.03 It is important for the City to study and review its land use and zoning regulations applicable to the northwest portion of the City to ensure that future development maximizes the City's tax base in that area.

1.04 Minnesota Statutes, Section 462.355, Subd. 4 allows the City Council to adopt an interim ordinance for the purpose of protecting the planning process and to promote the health, safety, and welfare of City residents.

Section 2. Findings

2.01. The City Council finds that it is necessary to conduct a study to consider the types of developments and land uses in the northwest portion of the City that would be appropriate in order to maximize the City's tax base. The study may also identify appropriate changes, if any, that should be made to the City's official land use controls, including but not limited to the City's Zoning Ordinance and Comprehensive Plan to accomplish that goal.

2.02. While the study referenced in Section 2.01 of this ordinance is being conducted, the City Council finds that there is a need to adopt an interim ordinance imposing a moratorium on development of land in the City located north of 93rd Avenue and west of Regent Avenue ("Moratorium Area").

2.03. To ensure that development does not occur within the Moratorium Area that might be inconsistent with any potential future changes in the City's official controls resulting from the study referenced in Section 2.01, the City Council finds that the moratorium established by this ordinance should apply to all land use and zoning applications for property in the Moratorium Area, except for pending planning applications that were considered by the Planning Commission before the date that this ordinance is adopted. The City Council further finds that, except as otherwise provided in this ordinance, no new land use or zoning applications for property in the Moratorium Area shall be accepted for review by City staff after the date that this ordinance is adopted.

Section 3. Planning and Zoning Study; Moratorium

3.01. A study is authorized to be conducted under the direction of the City staff to study the matters referenced in Section 2.01 of this ordinance.

3.02. Pending completion of the study and adoption of any amendments to the City's official controls, a moratorium is established on the acceptance, processing, or issuance of any development applications or approvals, including but not limited to preliminary plats, re-zonings, variances, conditional use permits, PUDs, or site plans pertaining to any property located in the Moratorium Area. The moratorium does not apply to any pending applications that were considered by the Planning Commission before the date that this ordinance is adopted or to any planning applications that seek only to allow a new use in an existing building or to make an addition to an existing building.

3.03. During the period of the moratorium, planning applications for any permits or approvals related to land in the Moratorium Area shall not be accepted, processed, or issued by the City nor shall the Planning Commission or City Council consider or grant approval of any such application, unless the application was considered by the Planning Commission before the date that this ordinance is adopted or the application seeks only to allow a new use in an existing building or to make an addition to an existing building.

3.04. The moratorium established by this ordinance does not apply to any development that has obtained preliminary plat approval by the City Council before the effective date of this ordinance.

Section 4. Enforcement. The City may enforce this ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

Section 5. Waiver. The City Council may grant a waiver to the moratorium established by this Ordinance for a project or development that the City Council determines maximizes the City's tax base for the parcel of land on which the project or development is located.

Section 6. Term. Unless it is repealed earlier by the City Council, this ordinance shall remain in effect for a period of six months after its effective date.

HOLLIES WINSTON, MAYOR

ATTEST:

DEVIN MONTERO, CITY CLERK

Approved as to Form by City Attorney
Passed on First Reading 03-13-2023
Passed on Second Reading 03-27-2023
Published in Official Newspaper: 04-06-2023

RESOLUTION #2023-96

RESOLUTION APPROVING COMPREHENSIVE PLAN AMENDMENT #23-112
CONSISTENT WITH THE GOALS OF INTERIM ORDINANCE 2023-1287

Planning Commission File #23-112

WHEREAS, the Brooklyn Park City Council adopted Interim Ordinance 2023-1287 and directed staff to conduct a planning study to consider the types of developments and land uses that would maximize the City's tax base; and

WHEREAS, the planning study has identified 55 properties within the boundary of the interim ordinance to be re-guided in a manner consistent with the goal specified in the interim ordinance (Exhibit A); and

WHEREAS, the planning study has identified changes to the text of the Comprehensive Plan to meet the goal specified in the interim ordinance (Exhibit B); and

WHEREAS, the proposed change is consistent with the land use goals and policy statements of the Comprehensive Plan and is consistent with the Brooklyn Park 2025 goals; and

WHEREAS, the proposed amendment is consistent with the regional development framework.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, the Comprehensive Plan amendment is approved and staff are authorized to work with Metropolitan Council staff to update all necessary forecasts and technical documentation in the Comprehensive Plan and submit a Comprehensive Plan amendment application to the Metropolitan Council.

The foregoing resolution was introduced by Council Member Klonowski and duly seconded by Council Member Morson.

The following voted in favor of the resolution: Lee, Eriksen, Morson, Tran, McGarvey, Klonowski, and Winston.

The following voted against: None.

The following were absent: None.

Where upon the resolution was adopted.

ADOPTED: August 28, 2023


HOLLIES WINSTON, MAYOR

CERTIFICATE
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BROOKLYN PARK

I, the undersigned, being the duly qualified City Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on August 28, 2023.

WITNESS my hand officially as such Clerk and the corporate seal of the city this 29th day of August 2023.

(SEAL)


DEVIN MONTERO, CITY CLERK

EXHIBIT A

Comprehensive Plan Map Amendment

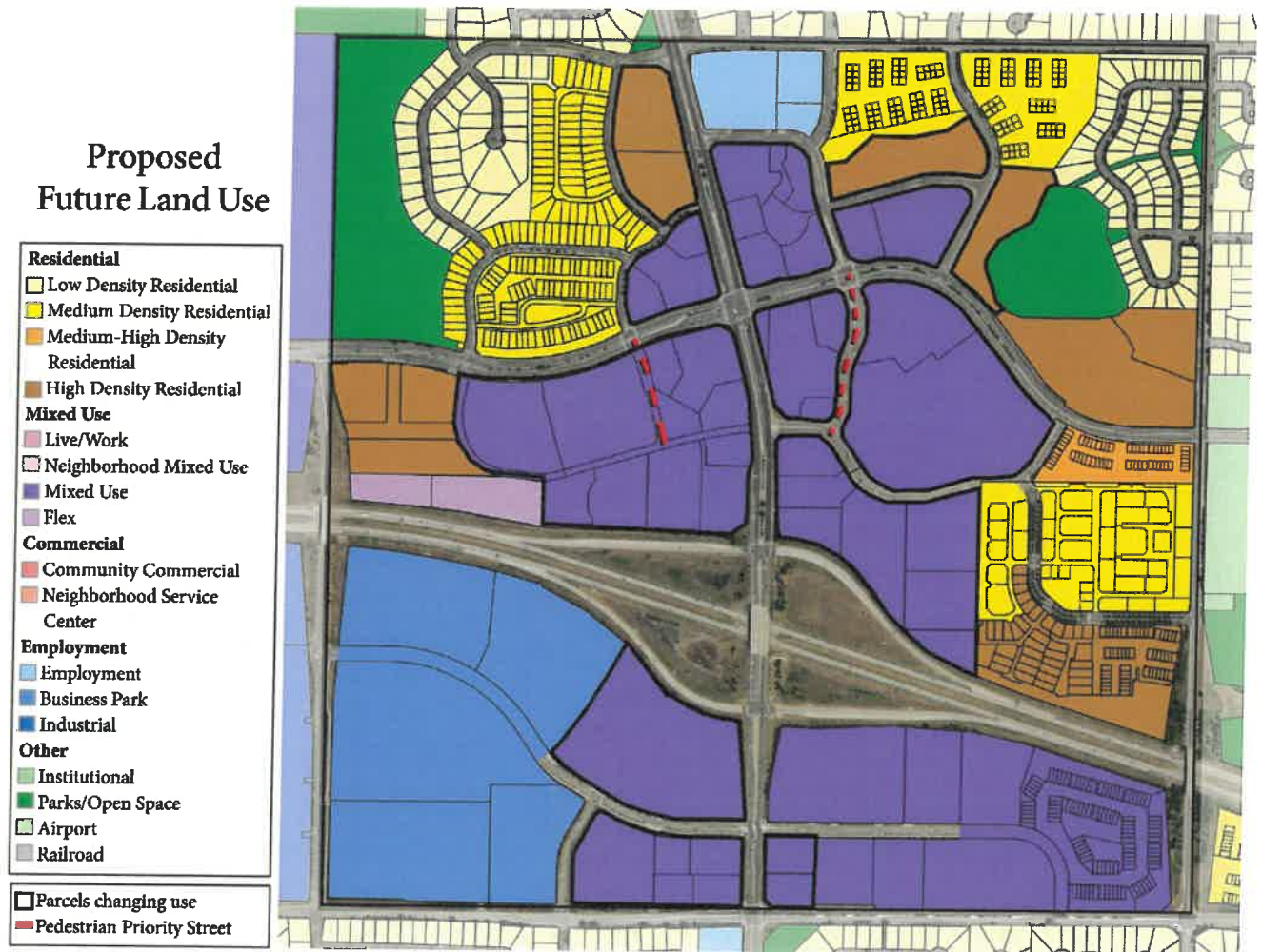


EXHIBIT B

Comprehensive Plan Text Amendment

MU	Mixed Use	<u>Density:</u> 12-100 units/acre <u>Uses:</u> Medium-high-density residential, retail, service, office, restaurants <u>Residential Requirement:</u> 30% minimum <u>Scale/intensity:</u> Up to 8 stories (12 stories in LRT Overlay)	The Mixed Use District is intended to provide for pedestrian-oriented mixed-use development with a mixture of office, commercial, retail and residential uses. Development in these areas shall follow a traditional neighborhood design where buildings are within a close proximity to the street and pedestrian connections are abundant. The City encourages both horizontal and vertical mixed use, with residential densities between twelve and 100 units per acre. Housing must be an integral component of the overall development and will encompass at least 30% of the land mass of the district. The City will establish minimum development intensity standards to ensure efficient use of land and street design and require block dimension standards to promote walkability. Retail uses are required on properties fronting Pedestrian Priority Streets as designated on the Future Land Use map. The mix of uses may be in a common site, development area, or building. Individual developments may consist of a mix of two or more complementary uses that are compatible and connected to the surrounding area. To ensure that the desired development intensities and connections are achieved, a regulating plan is may be required to guide phased development projects as governed by the Zoning Code.
PPS	Pedestrian Priority Street		Pedestrian Priority Streets are located in areas designated Neighborhood Mixed Use or Mixed Use and serve as the main public focal points of each designated area. Streets must be designed to promote pedestrian and bicyclist safety and comfort, including ample sidewalk width, landscaping, and street furniture. New development is required to include retail fronting Pedestrian Priority Streets.

EXHIBIT C

Property Descriptions of Properties to be Rezoned

TC – Town Center to High Density Residential (Final Zoning R7)

- 10001 Zane Ave N (09-119-21-22-0014) Outlot I, Liberty Oaks
- 9945 Zane Ave N (09-119-21-22-0015) Outlot J, Liberty Oaks
- Unassigned (09-119-21-21-0005) Lot 2, Block 2, Oxbow Commons
- Unassigned (09-119-21-12-0005) Lot 5, Block 3, Oxbow Commons

PCDD/HO to Mixed Use

- 9314 Zane Ave (09-119-21-34-0009) Lot 2, Block 1, Superamerica 2nd Addition
- 9300 Zane Ave (09-119-21-34-0008) Lot 1, Block 1, Superamerica 2nd Addition

B3/PD to Mixed Use

- 6001 94th Ave N (09-119-21-33-0012) Outlot A, Six Ten Zane Second Addition
- 5931 94th Ave N (09-119-21-33-0011) Lot 4, Block 1, Six Ten Zane Second Addition
- 5901 94th Ave N (09-119-21-33-0008) Lot 1, Block 1, Six Ten Zane Second Addition
- 5921 94th Ave N (09-119-21-33-0009) Lot 2, Block 1, Six Ten Zane Second Addition
- 5941 94th Ave N (09-119-21-33-0010) Lot 3, Block 1, Six Ten Zane Second Addition
- 9401 Zane Ave N (09-119-21-33-0006) Lot 1, Block 1, Six Ten Zane

TC- Town Center to Mixed Use

- 9700 Schreiber Ter N (09-119-21-23-0009) Lot 3, Block 1, Park Place Promenade
- 9750 Schreiber Ter N (09-119-21-23-0008) Lot 1, Block 1, Park Place Promenade
- 9790 Schreiber Ter N (09-119-21-22-0017) Lot 2, Block 1, Park Place Promenade
- Unassigned (09-119-21-22-0016) Outlot O, Liberty Oaks
- 9975 Xenia Ave N (09-119-21-22-0068) Lot 1, Block 1, Stone Mountain Addition
- 9985 Xenia Ave N (09-119-21-21-0099) Lot 1, Block 1, Stone Mountain 2nd Addition
- 9995 Xenia Ave N (09-119-21-21-0100) Lot 2, Block 1, Stone Mountain 2nd Addition

- 9801 Xenia Ave N (09-119-21-21-0101) Lot 3, Block 1, Stone Mountain 2nd Addition
- 9725 Xenia Ave N (09-119-21-21-0095) Lot 1, Block 1, Oxbow Commercial Centre
- 9751 Xenia Ave N (09-119-21-22-0070) Lot 4, Block 1, Stone Mountain Addition
- 9901 Xenia Ave N (09-119-21-22-0071) Lot 4, Block 1, Stone Mountain 2nd Addition
- Unassigned (09-119-21-21-0006) Lot 1, Block 4, Oxbow Commons
- Unassigned (09-119-21-21-0007) Lot 2, Block 4, Oxbow Commons
- 9680 Xenia Ave N (09-119-21-24-0007) Outlot A, Six Ten Crossings
- 5600 96th Ave N (09-119-21-24-0008) Outlot B, Six Ten Crossings
- 9695 Xenia Ave N (09-119-21-24-0004) Lot 1, Block 1, Six Ten Crossings
- 9611 Xenia Ave N (09-119-21-24-0009) Outlot F, Six Ten Crossings
- Unassigned (09-119-21-23-0005) Unplatted 09.119.21
- 9601 Xenia Ave N (09-119-21-24-0006) Lot 1, Block 3, Six Ten Crossings
- 5565 96th Ave N (09-119-21-31-0013) Outlot A, Six Ten Crossings 4th Addition
- 5555 96th Ave N (09-119-21-31-0012) Lot 3, Block 1, Six Ten Crossings 4th Addition
- 5505 96th Ave N (09-119-21-31-0011) Lot 2, Block 1, Six Ten Crossings 4th Addition
- 5601 96th Ave N (09-119-21-31-0010) Lot 1, Block 1, Six Ten Crossings 4th Addition
- 5625 96th Ave N (09-119-21-31-0009) Lot 1, Block 1, Six Ten Crossings 3rd Addition
- 5651 96th Ave N (09-119-21-31-0007) Lot 1, Block 1, Six Ten Crossings 2nd Addition
- 5801 96th Ave N (09-119-21-24-0005) Lot 1, Block 2, Six Ten Crossings
- Unassigned (09-119-21-32-0016) Outlot A, Park Place Promenade 3rd Addition
- 6201 96th Ln N (09-119-21-32-0023) Lot 1, Block 1, Park Place Promenade 8th Addition
- 6001 96th Ln N (09-119-21-32-0024) Lot 2, Block 1, Park Place Promenade 8th Addition
- 5909 96th Ln N (09-119-21-32-0021) Lot 1, Block 1, Park Place Promenade 7th Addition
- 5901 96th Ln N (09-119-21-23-0049) Lot 1, Block 1, Park Place Promenade 4th Addition
- Unassigned (09-119-21-23-0015) Outlot A, Park Place Promenade
- Unassigned (08-119-21-14-0051) Outlot A, Park Place Promenade 2nd Addition
- 6600 96th Ln N (08-119-21-14-0050) Lot 1, Block 1, Park Place Promenade 2nd Addition
- 9655 Colorado Ln N (09-119-21-23-0014) Lot 1, Block 3, Park Place Promenade
- 9600 Colorado Ln N (09-119-21-23-0012) Lot 3, Block 2, Park Place Promenade

- 9630 Colorado Ln N (09-119-21-23-0011) Lot 2, Block 2, Park Place Promenade
- 9640 Colorado Ln N (09-119-21-23-0010) Lot 1, Block 2, Park Place Promenade
- 9690 Colorado Ln N (09-119-21-23-0013) Lot 4, Block 2, Park Place Promenade
- 9400 Zane Ave N (09-119-21-34-0014) Lot 1, Block 1, Astra Village 2nd Addition
- 5701 94th Ave N (09-119-21-34-0017) Outlot A, Astra Village 4th Addition
- 5401 94th Ave N (09-119-21-43-0006) Lot 2, Block 1, Astra Village 4th Addition
- 5500 94th Ave (09-119-21-34-0015) Lot 1, Block 1, Astra Village 3rd Addition
- 5601 94th Ave N (09-119-21-34-0016) Lot 1, Block 1, Astra Village 4th Addition
- 5400 94th Ave N (09-119-21-43-0009) Outlot B, Astra Village 5th Addition



§ 152.601 PURPOSE.

- (A) The Transit Oriented Development (TOD) ~~and Mixed Use (MU)~~ zoning districts are established to provide for the creation of mixed use, multi-modal neighborhoods within walking distance of public transit ~~and in other areas where walkable development is desired~~. These districts enhance walkability by requiring small block sizes, reduced travel lane widths on local streets, and active frontages. These districts may be applied around high frequency transit service stations ~~or in areas designated Mixed Use in the Comprehensive Plan~~, per district maps.
- (B) Multiple types of development are encouraged, with developments designed to promote walking, bicycling and transit use. The placement of building edges and treatment of architecture, parking, landscaping, sidewalks, and public spaces are to be carefully planned in order to achieve the pedestrian-oriented development envisioned for the districts.
- (C) These districts are developed to generate income from taxes.
- (D) All development must conform to the Comprehensive Plan and to the adopted Brooklyn Park Subarea Stormwater Master Plan. (Ord. 2018-1231, passed 7-9-18)

§ 152.602 TOD ~~AND MIXED USE~~ DISTRICTS.

- (A) TOD-C Transit Oriented Development Center District.
 - (1) *Purpose.* The TOD-C TOD Center is intended to provide the most intensive mixed-use, transit-oriented zoning district.
 - (B) TOD-C.T Transit Oriented Development Center Transition District.
 - (1) *Purpose.* The TOD-C.T TOD Center Transition is intended to provide a transition from-the higher intensity transit-oriented mixed use to other zoning districts.
 - (C) TOD-E Transit Oriented Employment.
 - (1) *Purpose.* The TOD-E TOD Employment is intended to provide walkable urbanism with complementary uses in industrial, warehousing, and office park areas.
 - (D) TOD-E.T Transit Oriented Development Employment Transition District.
 - (1) *Purpose.* The TOD-E.T TOD Employment Transition is intended to provide large format industrial, warehousing, and office park areas complementary to walkable urbanism, with office and showrooms facing the street.
 - (E) TOD-G Transit Oriented Greenfield.
 - (1) *Purpose.* The TOD-G TOD Greenfield - High, Medium, and Low Intensity is intended to provide standards for new walkable, mixed use communities.
 - (2) Additional subdivision standards are applied to this District. ~~Subdivision standards in this chapter supersede those of Chapter 151.~~
 - (F) MU Mixed Use District
 - (1) The MU Mixed Use district is intended to provide standards for walkable, mixed use communities.
 - (2) Additional subdivision standards are applied to this District.
- (Ord. 2018-1231, passed 7-9-18)

§ 152.603 USES.

The TOD ~~and MU~~ districts are subject to the requirements of §152.604 below, where the use notations have the following meanings in Table ~~56~~ through Table ~~89~~; ~~and Table 15-16~~ through Table ~~1718~~; ~~and Table 24 through 25.~~

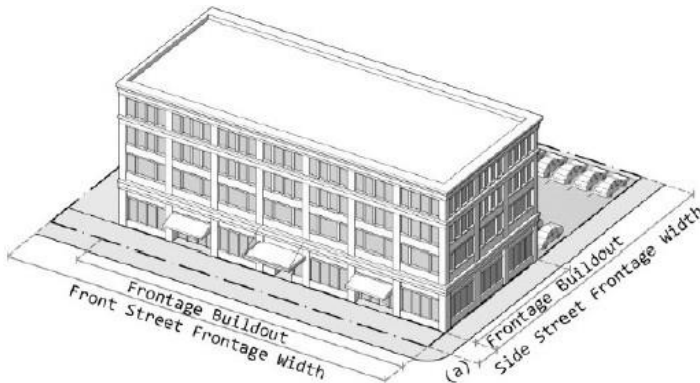
- P Permitted subject to standards NP
 - Not permitted
- C Allowed with approval of a conditional
- R Permitted with compliance to the conditions of use permit division (B)(1) below
 - (A) Multiple uses within a single parcel or building are permitted in TOD ~~and MU~~ districts.
 - (B) Uses permitted in sections § 152.606 - § 152.~~610~~611 are limited for size or intensity as follows:
 - (1) Restrictions per use:
 - ~~(a) Service and retail: 50,000 sq. ft. max. gross floor area~~
 - ~~(b)~~(a) Institutional on-site parking may not exceed 50 surface lot spaces. (Ord. 2018-1231, passed 7-9-18)

§ 152.604 BUILDING AND SITE STANDARDS.

- (A) *Purpose.* This section regulates the development and modification of buildings and other elements of the built environment within the private lot, based on the following premises:
 - (1) Building regulations should equitably balance the rights of the individual and the interests of the community as a whole.
 - (2) Building form individually and collectively defines and supports the public realm.

- (3) Building placement should support walkability, safe streets, and safe public spaces. Buildings must be placed in a way that supports the needs of the community.
- (B) Minimum frontage buildout indicates that lots must contain buildings along the prescribed length of property line.
- (1) At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.
 - (2) At side streets the minimum frontage buildout is a specified distance along the property line from the corner.
 - (3) Facades must be within the minimum and maximum setback.
 - (4) At corner lots the width of the property, for frontage buildout calculation, may be reduced by the setback of the perpendicular lot line as indicated by (a) in the illustration below.
- (C) Front setback requirements of Table 5-6 through Table 8-9; and Table 15-16 through Table 17-18; and Table 24 through Table 25 will be maintained as city easement for right-of-way maintenance.
- (D) Building width must meet the requirements of Table 5-6 through Table 8-9; and Table 15-16 through Table 17-18; and Table 24 through Table 25 measured at front setback. The maximum building width does not apply to buildings with a forecourt frontage type where the forecourt is wider than 40 feet.

Figure 1. Minimum Frontage Buildout Illustration



- (E) Building height is limited in above ground stories according to Table 5-6 through Table 8-9; and Table 15-16 through Table 17-18; and Table 24 through 25.
- (1) Stories are measured as follows:
 - (a) Stories are measured from finished floor to finished ceiling.
 - (b) Stories above the ground floor are limited to 14 feet in height.
 - (c) Ground floor height is subject to the following requirements:
 1. Ground floor height must be no less than 12 feet, except in TOD-G low intensity Townhouses, single-family, and two-family houses are not subject to this requirement.
 2. Ground floor height is limited to 20 feet, above which it counts as an additional story.
 - (2) Parking structure height is subject to the following requirements:
 - (a) Structure height may not exceed the finished ceiling height of the top floor of the tallest primary use building.
 - (3) Projections not used for human habitation are exempt from building height restrictions, including the following:
 - (a) Chimneys, spires, domes, elevator shaft and stair housings, antennae, vents, and flag poles.
- (F) Facade types must be assigned along all streets according to the standards of Table 1 and the following requirements:
- (1) Buildings may include multiple facade types along their length, each type no less than 30 feet in width.
 - (2) Functioning building entries must be provided along street frontages as follows:
 - (a) The primary building entry must be located along the front a street frontage.
 - ~~(b) One functional entry must be provided for every 80 feet of facade, leading to habitable space.~~
 1. Where a building fronts onto two or more streets, a side street facade under 50 feet in length is exempt from the entry requirement.
 - (3) Loading docks and service areas are restricted according to the parking and storage setbacks of Table 5-6 through Table 8-9; and Table 15-16 through Table 17-18; and Table 24 through Table 25.
 - (4) Encroachments into the front street and side street setbacks are permitted as follows:
 - (a) Underground parking within the setback is not considered an encroachment provided the structure is not visible from the sidewalk.
 - (b) Roof overhangs, cornices, window and door surrounds and other facade decorations may encroach up to two feet but not beyond the property line.
 - (c) Awnings may encroach into the right-of-way to within two feet of the curb. A minimum clearance of 10 feet above the sidewalk is

required.

6.3B DRAFT ORDINANCE - MIXED USE

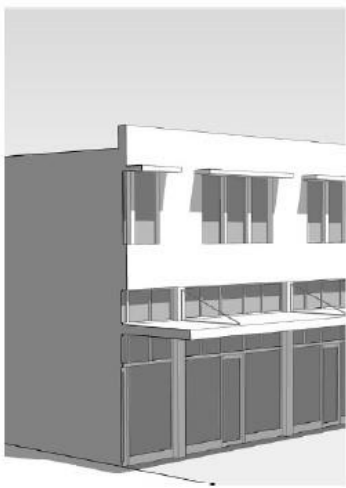
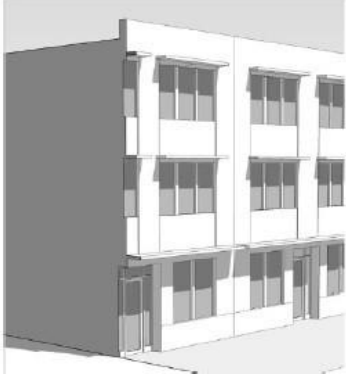
(d) Porches, stoops, balconies, bay and bow windows may encroach a maximum of three feet, but not beyond the property line.

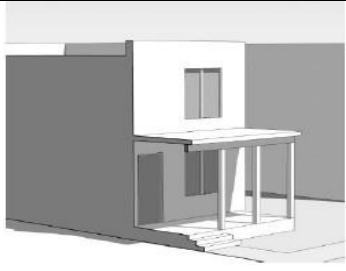
(5) Facade glazing at street frontages must meet the minimum area requirements of Table 1 and Table ~~5-6~~ through Table ~~8-9~~ and Table ~~15-16~~ through Table 17 ~~and Table 24 thorough 25~~.

(a) Percentage glazing is calculated individually for each facade.

(b) Glazing must be transparent at the first floor, where tinted and reflective glass are prohibited, and must not be blocked by merchandise or other obstructions. (Ord. 2018-1231, passed 7-9-18)

Table 1. Facade Types

SHOPFRONT			
Entry Grade	At sidewalk grade.		
Requirements	A shopfront is required at the primary entrance.		
	Shopfronts must have 60% ground floor glazing.		
	Display windows may project into frontage setbacks no more than five feet and not beyond the property line.		
Guidelines	Building entries may be recessed from the facade up to six feet in depth.		
	If ground floor grade is above sidewalk grade, the differential should be accommodated within the building.		
	Awnings may project into the setback 100% of their depth.		
COMMON ENTRY			
Entry Grade	At sidewalk grade.		
Requirements	A single collective entry to a multi-tenant lobby is required at the primary building entrance.		
	Canopies and awnings are permitted to encroach into frontage setbacks 100% of their depth.		
Guidelines	Canopies and awnings should encroach into the public right-of-way.		
FORECOURT			
Entry Grade	At sidewalk grade.		
Requirements	Front court facing the street with a maximum area of 1,800 sq. ft.		
	Must be lined with habitable space on three sides, or on two sides at corner lots.		
	Must be 50% paved. Landscaping is permitted at grade or in raised containers.		
Guidelines	May be combined with shopfront or common entry within the court.		
STOOP			
Entry Grade	18 in. min. from sidewalk grade.		
Requirements	A stoop is required at building entrances, projecting from or recessed into the facade.		

PORCH		
Entry Grade	18 in. min. from sidewalk grade.	
Requirements	A porch is required at building entrances, projecting from or recessed into the facade.	
	Porches must be a minimum of six ft. deep and ten ft. wide.	

(Ord. 2018-1231, passed 7-9-18)

(G) Architectural materials.

(1) Classes of materials. For the purpose of this section, acceptable exterior materials are divided into Class 1 and Class 2 categories as shown in the following table:

Table 2 <u>Classes of Materials</u>	
<u>Class 1</u>	<u>Class 2</u>
1. <u>Brick</u> 2. <u>Natural or cementitious stone</u> 3. <u>Glass, or other glazing materials</u> 4. <u>Masonry stucco</u> 5. <u>Architectural metal panels</u> 6. <u>Specialty concrete block (including textured, burnished block or rock faced block)</u> ~~1-7.~~ <u>Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission</u>	1. <u>Architecturally textured concrete precast panels</u> 2. <u>Wood</u> 3. <u>Tile (masonry, stone or clay), ceramic</u> 4. <u>Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission</u> ~~1-5.~~ <u>EFIS in conformance with the ICC ES report</u>

~~(1)(2)~~ Required combination of materials. Buildings must incorporate classes of materials for each facade in the following manner:

- (a) Front facades and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parks, civic areas, or residential uses or districts must be composed of at least two or more Class 1 materials totaling 65% of the facade.
- (b) Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts must use a combination of Class 1 or 2 materials.
- (c) Facades visible from public right(s)-of-way must include windows, doors, canopies, balconies or other visual elements that help mitigate the appearance of blank walls.

(H) Minimum floor area ratio. Minimum floor area ratio requirements of principal buildings are set forth within ~~Table X25~~. Floor area devoted to parking or loading shall not be counted toward compliance with the minimum floor area ratio. Floor area devoted to any other habitable space, including spaces below grade, may be used for the purpose of determining compliance with the minimum floor area ratio requirement. Minimum floor area ratio regulations shall not apply to the expansion of buildings existing on the effective date of this ordinance. Minimum floor area ratio requirements shall not apply on lots existing on the effective date of this ordinance with less than one acre of area.

§ 152.605 DEVELOPMENT STANDARDS.

(A) Parking. Off-street parking must be set back from frontages according to ~~Table 5-6~~through ~~Table 8-9~~and ~~Table 15-16~~through ~~Table 17-18 and Table 25~~, except where parking is located underground.

(1) Location. Required vehicular parking may be fulfilled in the following locations:

- (a) Parking spaces provided on-site, or between multiple connected sites with a recorded shared use parking agreement.
- (b) Parking spaces provided along a parking lane on-street corresponding to the site frontages.

(2) Access. Parking access must meet the following requirements:

- (a) Driveways are limited to 20 feet in width.
- (b) Sites with alley access must use the alley for ingress and egress.
- (c) Pedestrian access to off-street parking must be provided from frontages with walkways a minimum of six feet in width.

(3) Screening. Parking areas must be screened from public streets, sidewalks and paths by a masonry wall or evergreen hedge. The height of the screen must be a minimum of 36 inches and a maximum of 48 inches in height.

(4) Structured parking. The ground floor of any parking structure abutting a public street must have habitable space for a depth of 30 feet facing the street. METRO parking structures may be eligible for a waiver from this requirement if a façade that limits vehicle visibility is provided.

- (a) Upper floors must be designed and detailed in a manner consistent with adjacent buildings.

(b) Entrances must minimize conflict with pedestrian movement.

6.3B DRAFT ORDINANCE - MIXED USE

(5) *Required parking.* Parking minimums and maximums do not apply to TOD zones. [Parking minimums and maximums do apply in the MU district.](#)

(B) *Streetscape improvements.* The provisions of this section apply to all streetscape improvements in TOD-C, TOD-T, and TOD-E.

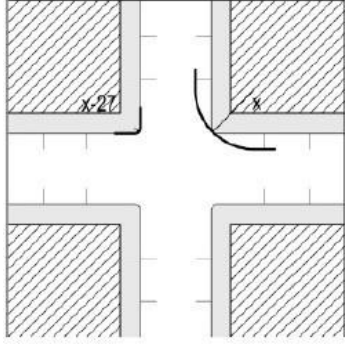
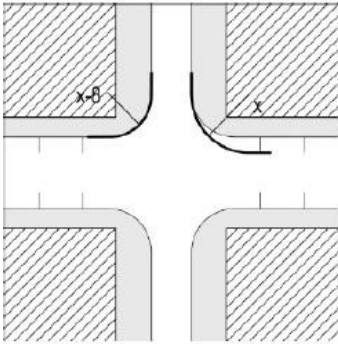
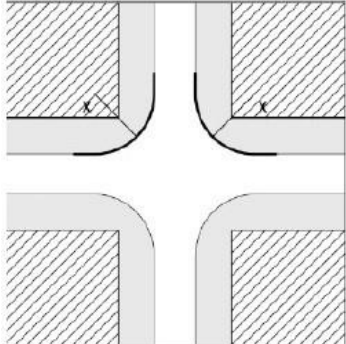
(1) Streetscape improvements including sidewalks, boulevards, furniture zones, lights and trees must meet the requirements of Table 23.

(2) Improvements must transition to existing conditions at adjacent properties to preserve pedestrian access and safety.

Table 3. Streetscape Requirements

	WITHIN 1/4 MILE OF STATION	GREATER THAN 1/4 MILE OF STATION
Zoning district	TOD-C, TOD-C.T	TOD-C, TOD-E, TOD-E.T
Streetscape illustration		
(1) Sidewalk width	10 ft. min. including boulevard width and furniture zone.	6 ft. min. including boulevard width and furniture zone.
Boulevard size	5 ft. min. square or 4 ft. by 6 ft. min.	5 ft. by 14 ft. min.
Tree spacing	Adjusted to accommodate shopfront needs	30 - 40 ft. on center

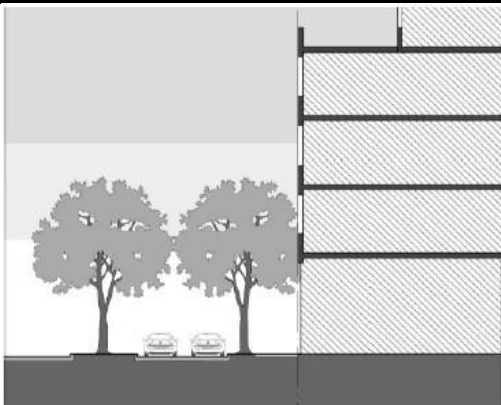
Table 4. Curb Return Radius

EFFECTIVE RETURN RADIUS	PARKING LANE ON BOTH STREETS	PARKING LANE ON ONE STREET	NO PARKING LANES
Table 34. Curb Return Radius			
EFFECTIVE RETURN RADIUS	PARKING LANE ON BOTH STREETS	PARKING LANE ON ONE STREET	NO PARKING LANES
			
Minimum Required Curb Return Radius			
Local street to local street: 25 ft.	5 ft. min.	17 ft. min.	25 ft. min.
Local street to primary street: 30 ft.	5 ft. min.	22 ft. min.	30 ft. min.
Primary local to primary local: 35 ft.	8 ft. min.	27 ft. min.	35 ft. min.
Primary local to arterial 40 ft.	13 ft. min.	32 ft. min.	40 ft. min.
Arterial to arterial: 55 ft.	28 ft. min.	47 ft. min.	55 ft. min.
Bike lane reduction	Curb return radius may be further reduced by the width of the bike facility when present.		

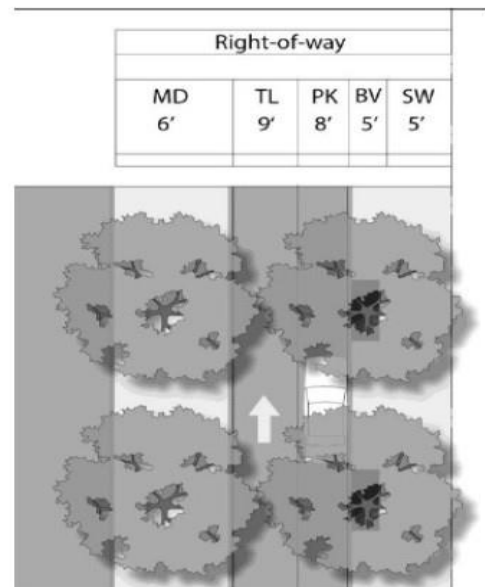
(4) New frontage lanes adjacent to existing arterials may use the Table 4-5 street sections in TOD zoning districts.

Table 5. Frontage Lane Sections

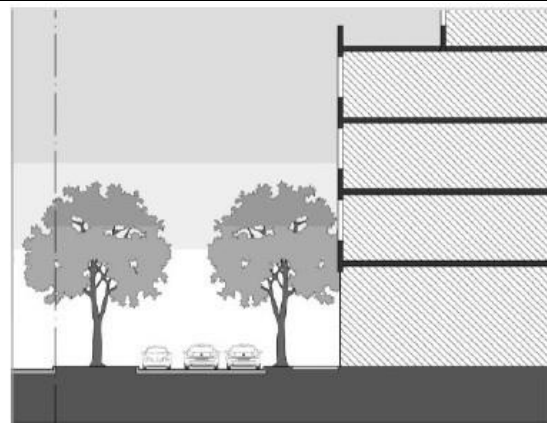
Table 5. Frontage Lane Sections

FRONTAGE LANE FL 33-17		ILLUSTRATION
Functional class	Local street	
Right-of-way	35 ft. min.	
Design, target speed	15 - 20 mph	
TRAVELED WAY		
(TL) Vehicle lanes	1	
Vehicle lane width	9 ft.	
Movement	One-way	
(Pk) parking lanes	1	
Parking lane width	8 ft.	

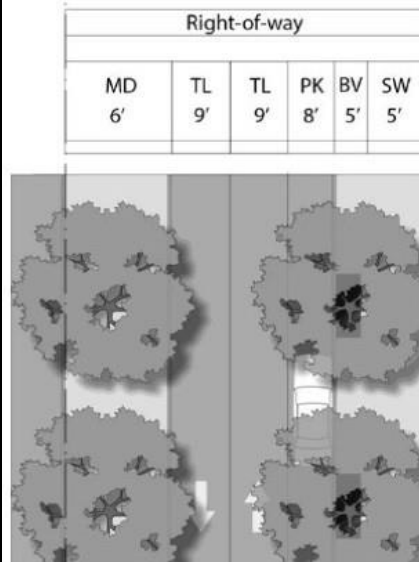
(BL) bicycle facility	n/a
Bicycle facility width	n/a
(Md) median	6 ft. min.
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	5 ft. min.
(BV) Boulevard width	5 ft. min.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



FRONTAGE LANE FL 42-26	
Functional class	Local
Right-of-way	ft. min.
Design, target speed	15 - 20 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	9 ft.
Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.



(BL) Bicycle facility	n/a
Bicycle facility width	n/a
(MD) Median	6 ft. min.
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	5 ft. min.
(BV) Boulevard width	5 ft. min.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



(C) *Drive-through facilities.*

- (1) Drive-through facilities are prohibited for new construction after date of passage in TOD-G.
- (2) Drive-through facilities and lanes must be located behind the principal building.
- (3) Queuing lanes must not interfere with pedestrian circulation.
- (4) Drive-through canopies and other structures, where present, must be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.

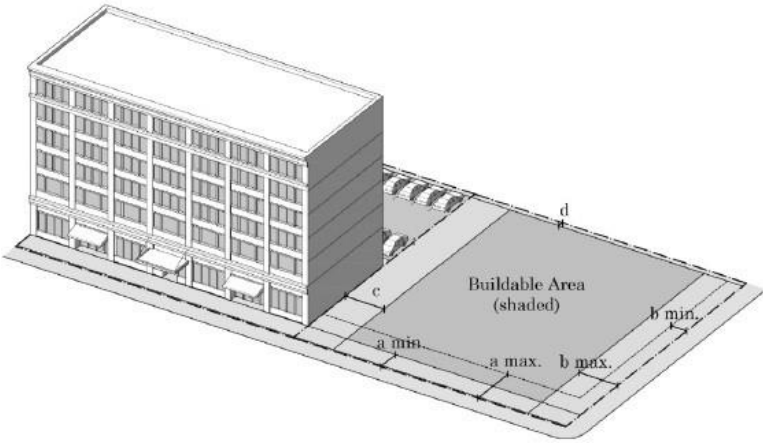
(D) *Outdoor dining areas.* Outdoor seating is permitted within any setback area and temporary seating may be permitted with rights-of-way, provided the sidewalk remains clear to a width of five feet.

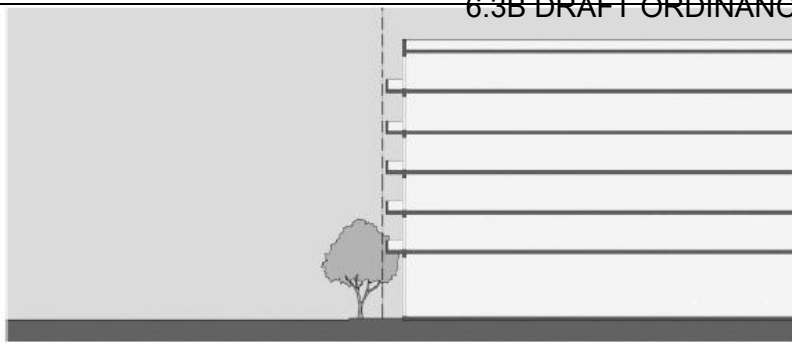
(E) *Landscaping requirements.* All open areas of any site, except for that portion used for parking, driveways, and storage, must be

- (1) The required landscaped area must be planted with trees, ground cover, low shrubs or flowering plants.
- (F) *Signs.* Signs in TOD-G Medium and High Intensity must comply with the following:
- (1) Type.
- (a) An establishment may erect wall signs or projecting signs, or a combination thereof as regulated by divisions (2) and (3).
- (b) Roof signs are prohibited.
- (c) Freestanding or pylon signs, permanent or temporary, are prohibited, except for joint or shared parking uses and public transit message center signs and monument signs. Monument signs may not exceed five feet in height.
- (d) Mural scenes or designs painted directly on an exterior building wall that are intended as decorative or ornamental features are permitted with the prior approval of the City Manager. Murals that include text, numbers, trademarks, logos or other forms of business advertisement are considered painted wall signs and must comply with the regulations of this code. Murals that are not painted wall signs are not regulated by divisions (2) and (3).
- (e) Sandwich board signs, one per business establishment, are permitted provided that they are located on the sidewalk in front of the business establishment and do not block pedestrian use of the sidewalk. Each side of the sandwich board sign must not exceed nine square feet. Sandwich board signs are not regulated by divisions (2) and (3).
- (2) *Number.* An establishment may erect any number of wall signs provided that the total area does not exceed the total permitted area established in division (3).
- (3) *Size and materials.*
- (a) The maximum total area of all wall signs must not exceed three square feet per one lineal foot of business establishment frontage. Window signs are not included in the above calculation and may not exceed one-third of the glazed area of the window. Signs may be illuminated. Signs must be placed on the building so as not to obscure architectural features and detail.
- (b) The maximum area of any individual wall sign must not exceed two square feet per one lineal foot of business establishment frontage. The maximum area of any projecting sign must not exceed six square feet.
- (Ord. 2018-1231, passed 7-9-18; Am. Ord. 2020-1248, passed 1-13-20)

§ 152.606 TOD-C TRANSIT ORIENTED DEVELOPMENT CENTER DISTRICT.

- (A) *Standards.* All parcels in TOD-C must meet the standards of Table 5-6 below.

Table 6. TOD-C Building and Site Standards			
Table 6. TOD-C Building and Site Standards			
			
BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	1 ft. min. - 12 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 12 ft. max.	Side street	30 ft. min.
c. Side property line	0 ft. min. or 6 ft. max.	Side property line	0 ft. min. if shared; or 5 ft.
d. Rear property line	3 ft. min.	Rear property line	0 ft. min. if shared; or 5 ft.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	80% min.	Lot coverage by buildings	100% max.
Side street	50 ft. min. from front street	Building width	200 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	Stoop
Upper floors	15% min.		

**BUILDING HEIGHT**

6 stories max.	Parking structure height	1 story less than building
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Building height of 8 stories is available with a conditional use permit upon initiation of construction of the METRO station, Building height may not exceed one story more than an adjacent single- family district within 50 ft. of residential parcels.

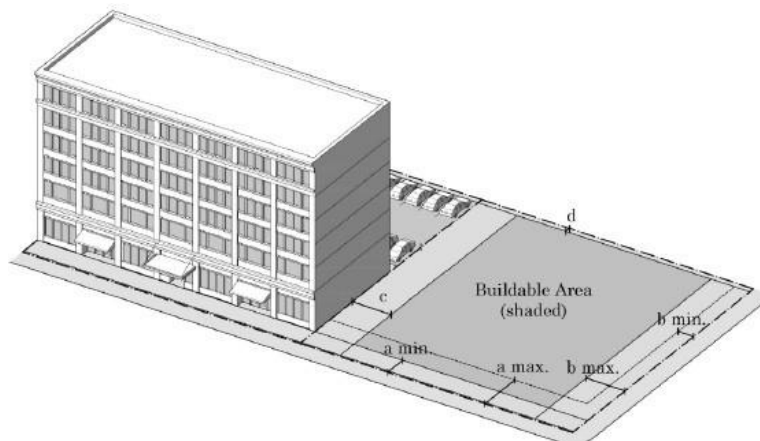
USES

RESIDENTIAL		COMMERCIAL	
P	Multiple dwelling	P	Sales and service
		P	Office
P	Care facility, convalescent home	P	Medical and dental clinics
INSTITUTIONAL		P	Veterinary and animal services
P	Religious assembly	P	Child and adult day care
NP	Schools	P	Restaurants, brewpubs, breweries with taprooms, micro-distilleries with cocktail rooms and theatres
OTHER		C	Parking as a principal use
P	Wireless communication facilities as accessory uses located on a building	NP	Fuel stations
		C	Drive-through windows
		C	Entertainment
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, Contractor yards, Bulk firewood sales and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, sexually oriented businesses, impound lots, vehicle sales

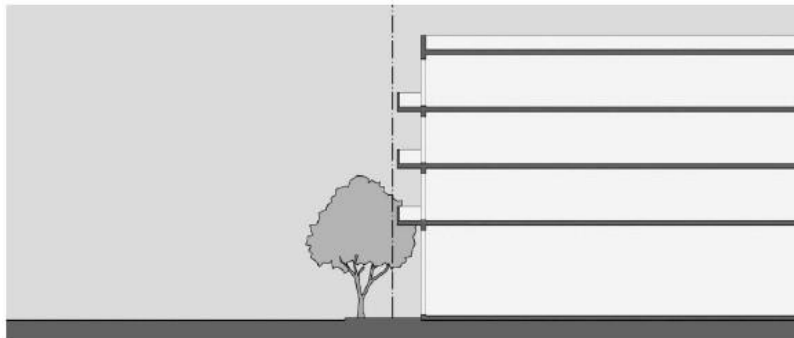
(Ord. 2018-1231, passed 7-9-18; Am. Ord. 2020-1247, passed 1-6-20; Am. Ord. 2020-1248, passed 1- 13-20)

§ 152.607 TOD-C.T TRANSIT ORIENTED DEVELOPMENT CENTER TRANSITION DISTRICT.

(A) *Standards.* All parcels in TOD-C.T must meet the standards of Table 6-7 below.

Table 7. TOD-C.T Building and Site Standards**Table 7. TOD-C.T Building and Site Standards**

6.3B DRAFT ORDINANCE – MIXED USE PARKING AND STORAGE SETBACKS

BUILDING SETBACKS		6.3B DRAFT ORDINANCE - MIXED USE PARKING AND STORAGE SETBACKS	
a. Front street	1 ft. min. - 16 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 16 ft. max.	Side street	15 ft. min.
c. Side property line	0 ft. min. or 6 ft. max.	Side property line	5 ft. min., 0 if shared
d. Rear property line	3 ft. min.	Rear property line	5 ft. min., 0 if shared
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	70% min.	Lot coverage by buildings	80% max.
Side street	40 ft. min. from front street	Building width	100 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	Stoop
Upper floors	15% min.		
			
BUILDING HEIGHT			
4 stories max.	Parking structure height	1 story less than building	
Building height of 6 stories is available with a conditional use permit upon initiation of construction of a METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.			
USES			
RESIDENTIAL		COMMERCIAL	
P	Townhouse	R	Retail and service
P	Multiple dwelling	P	Restaurants and brewpubs
P	Care facility, convalescent home	P	Office
INSTITUTIONAL		P	Lodging
NP	Religious assembly	P	Medical clinic
NP	Schools	P	Child care
R	Libraries	P	Adult day care
R	Museums	P	Parking
OTHER		C	Gasoline sales
C	Wireless communication facilities	P	Breweries with taprooms and micro-distilleries with cocktail rooms
P	Drive-through as an accessory use	C	
		NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

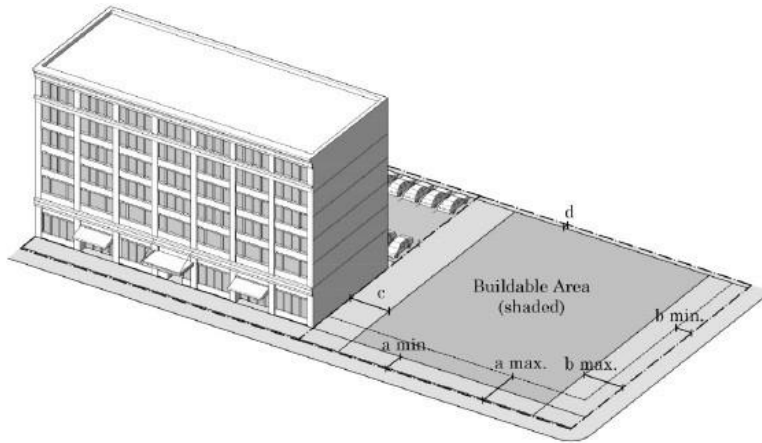
(Ord. 2018-1231, passed 7-9-18; Am. Ord. 2020-1247, passed 1-6-20)

§ 152.608 TOD-E TRANSIT ORIENTED EMPLOYMENT DISTRICT.

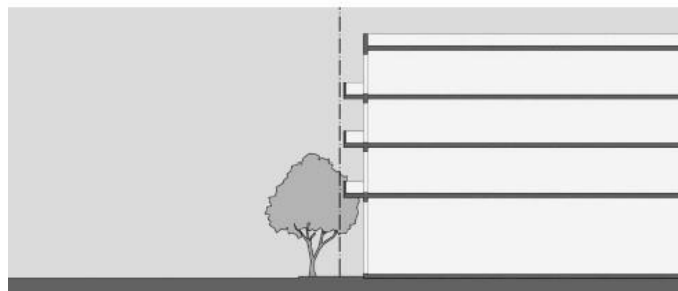
(A) *Standards.* All parcels in TOD-E must meet the standards of Table 78. This district requires buildings to have an urban form to accommodate commercial, retail, office, and accommodations or other general mixed-use activity in the front of buildings where proximity to high frequency transit service stations expects active, pedestrian-oriented streetscapes to occur. TOD-E.T must meet the standards of Table 89.

Table 8. TOD-E Building and Site Standards

Table 8. TOD-E Building and Site Standards



BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	2 ft. min. - 16 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 16 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. min. or 6 ft. max.	Side property line	0 ft. min.
d. Rear property line	3 ft. min.	Rear property line	3 ft. min.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	70% min.	Lot coverage by buildings	80% max.
Side street	40 ft. min. from front street	Building width	200 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	
Upper floors	15% min.		

**BUILDING HEIGHT**

4 stories max.	Parking structure height	1 story less than building
Building height of 6 stories is available with a conditional use permit upon initiation of construction of the 93rd Ave. METRO station.		

USES

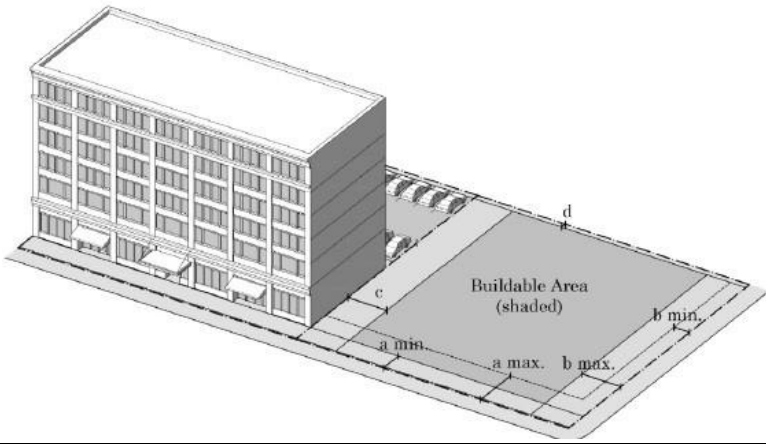
RESIDENTIAL		COMMERCIAL	
NP	Townhouse	P	Sales and service
NP	Multiple dwelling	P	Restaurants and brewpubs

NP	Care facility, convalescent home	P	Office
INSTITUTIONAL		P	Lodging
P	Religious assembly	P	Medical clinic
NP	Schools	P	Parking
NP	Libraries		
NP	Museums	P	Warehousing as an accessory use
OTHER		P	Child care
C	Wireless communication facilities	C	Adult day care
P	Drive-through windows	C	Fuel stations
NP	Distribution as a primary use		
P	Distribution or products produced on site	C	Taprooms and cocktail rooms
		C	Taprooms and cocktail rooms
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractor yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales
		P	Manufacturing, assembly, processing, fabricating, brewing, distilling and accessory sale of the product produced on site

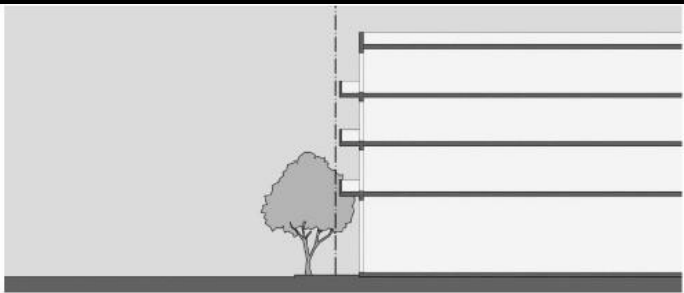
(Ord. 2018-1231, passed 7-9-18; Am. Ord 2020-1247, passed 1-6-20)

§ 152.609 TOD-E.T TRANSIT ORIENTED EMPLOYMENT TRANSITION DISTRICT.

(A) *Standards.* All parcels in TOD-E.T must meet the standards of Table 98. This district is intended to provide transition in building scale from the core area of commercial, retail, office, and accommodations or other general mixed-use activity into large format industrial, warehousing, and office park areas with office and showrooms facing the street.

Table 9. TOD-E.T Building and Site Standards			
Table 9. TOD-E.T Building and Site Standards			
			
BUILDING SETBACKS		PARKING AND LOADING SETBACKS	
a. Front street	5 ft. min. - 20 ft. max.	Front street	40 ft. min.
b. Side street	5 ft. min. - 20 ft. max.	Side street	20 ft. min.
c. Side property line	10 ft. min.	Side property line	10 ft. min.
d. Rear property line	10 ft. min.	Rear property line	10 ft. min.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	60% min.	Lot coverage by buildings	70% max.
Side street	40 ft. min. from front street	Building width	No max.

MINIMUM GLAZING		FACADE TYPES	
Front street	30% min.	Shopfront	Common entry

Side street	20% min.	Forecourt	6.3B DRAFT O
Upper floors	n/a		
			
BUILDING HEIGHT			
4 stories max.	Parking structure height	1 story less than building	
USES			
RESIDENTIAL		COMMERCIAL	
NP	Townhouse	P	Sales and service
NP	Multiple dwelling	P	Restaurants and brewpubs
NP	Care facility, convalescent home	P	
INSTITUTIONAL		P	Office
P	Adult training facilities	P	Lodging
NP	Schools	P	Medical clinic
P	Religious assembly	P	Parking
NP	Museums	C	Child care
OTHER		C	Adult day care
C	Wireless communication facilities	C	Fuel station
NP	Distribution as a primary use	P	Warehousing
P	Distribution of products produced on site	P	Taprooms and cocktail rooms
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles , trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales
		P	Manufacturing, assembly, processing, fabricating, brewing, distilling and accessory sale of the product produced on site

(Ord. 2018-1231, passed 7-9-18; Am. Ord. 2020-1247, passed 1-6-20; Am. Ord. 2020-1258, passed 10-26-20)

§ 152.610 TOD-G TRANSIT ORIENTED GREENFIELD DISTRICT - HIGH, MEDIUM AND LOW INTENSITIES AND GREENFIELD NEIGHBORHOOD STRUCTURE AND PUBLIC REALM STANDARDS.

(A) *Purpose and applicability.* The structure of the TOD-G district provides the city and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented TOD. The subdivision regulations in division (D) provide the following:

- (1) A network of connected streets and blocks that reflect an approved station area plan;
- (2) General block sizes and configurations that support zoning and land use goals;
- (3) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site;
- (4) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.

(B) *Regulating plan.* The TOD-G district is implemented through a regulating plan, approved with the rezoning to TOD-G, which includes a combination of at least two of the three intensities described below and regulated by Table 910 and § 152.601. TOD-G areas must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. As the area is subdivided to generate blocks, parcels and individual building sites, the regulating plan assigns intensities that may be refined with approval by the City Manager according to § 152.021. Regulating plans, consisting of one or more maps, must include the following:

- (1) District boundaries;
- (2) Existing infrastructure including streets, parks and open space;
- (3) Thoroughfare network according to division (D) with thoroughfare assignments according to Table [11-1112](#) or Table [1213](#);
- (4) Civic area according to Table [109](#), with types and boundaries according to Table [1314](#).

(C) *Intensities*. TOD-G intensities are comprised of:

(1) *Low intensity*. Consists of medium density residential areas, with a mix of uses, home occupations, and accessory buildings. It contains a wide range of building types - houses, courtyard housing, townhouses, duplexes, triplexes, small apartment buildings, and neighborhood commercial uses. This area must be more than 1,500 feet from a high frequency transit service station.

(2) *Medium intensity*. Consists of a mix of uses but is primarily medium to high density residential and neighborhood commercial uses.

(3) *High intensity*. Consists of high density mixed-use buildings that accommodate retail, offices, institutions, and multi-family housing.

Table 10. Regulating Plan Requirements

AREA IN ACRES	CIVIC SPACE	INTENSITY % OF AREA		
		Low	Medium	High
40 min.	Percentage of Area			
	5 - 10%	20% max.	50 - 70%	10 - 30%

(D) *Subdivision regulations*. The provisions of this section will be used upon re-zoning to Transit Oriented Greenfield (TOD-G) and subdivision within any TOD zoning district.

- (1) The thoroughfare network must be laid out according to Table [10-11](#) and comply with the standards of division (D)(1)(a) below.

Table 11. Subdivision and Block Standards

BLOCK DIMENSIONS	DIMENSIONS
Block length	400 ft. max
Block perimeter	1,600 ft. max.
Alley width	16 ft. min.
MID-BLOCK PEDESTRIAN PASSAGES	
Pedestrian passage width	12 ft. min., 24 ft. max.

(a) *Thoroughfare standards*.

1. All thoroughfares must connect to other thoroughfares, forming a network.

a. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the City Manager to accommodate specific site conditions.

b. New thoroughfares must implement the approved Station Area Plan Street Network and use street section options from Table [112](#).

c. A section may be chosen according to right-of-way width and functional classification. New thoroughfare sections may be created using the standards in Table [1213](#).

(b) *Block dimensions*.

1. Block length and perimeter may be adjusted up to 20% with approval from the City Manager due to topography, existing development conditions, or if the block is at the perimeter of the TOD regulating plan. Block lengths up to 800 feet may be approved if a mid-block pedestrian passage is provided.

(c) *Mid-block pedestrian passages*.

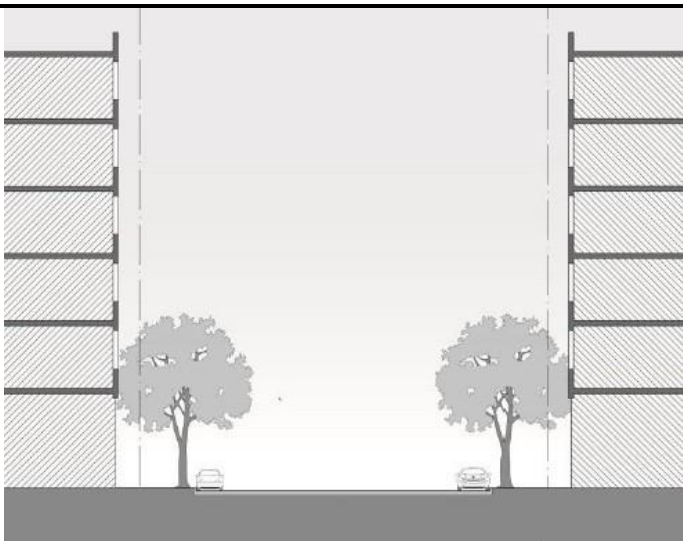
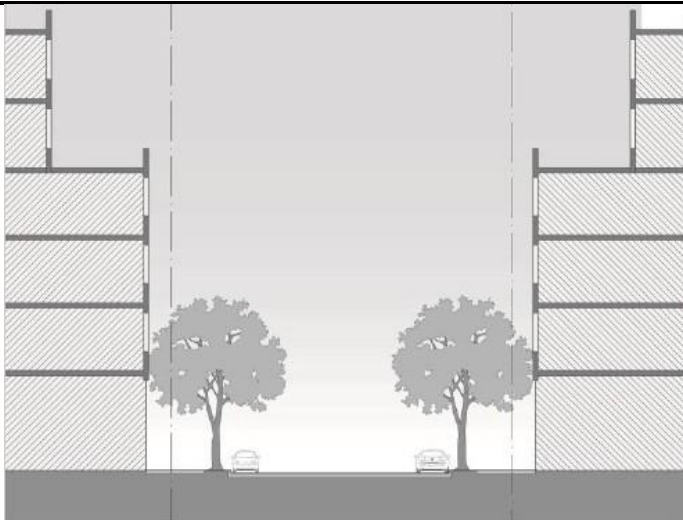
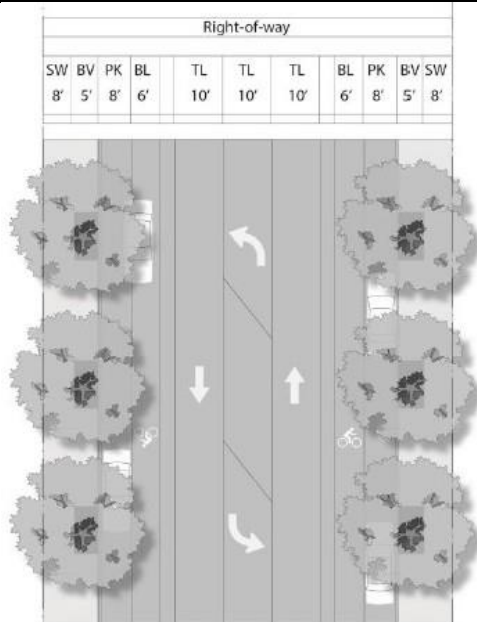
1. In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations.

(d) *Parking lot layout*.

1. In addition to the parking regulations of §152.605(A), parking lots in TOD-G must be laid out as blocks per Table [1011](#), with utilities located in the drive aisles. Drive aisles must have adequate width to redevelop with rights-of-way required by one or more of the thoroughfare sections in Table [1112](#).

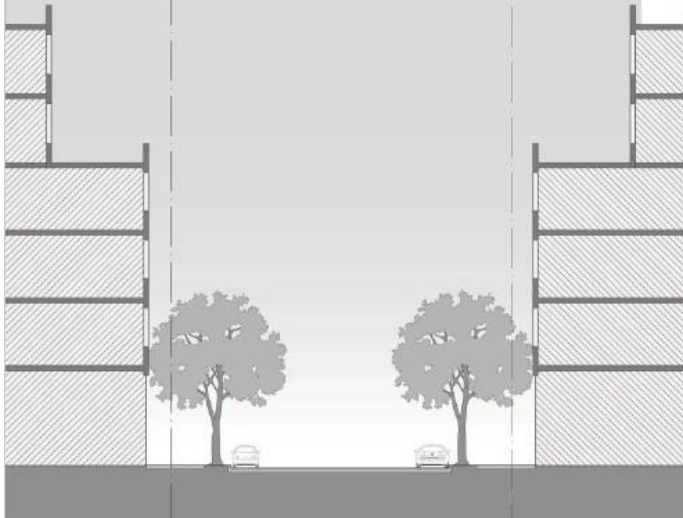
Table 12. Thoroughfare Sections

Table 12. Thoroughfare Sections

STREET ST 98 - 72		ILLUSTRATION
Functional class	Arterial	
Right-of-way	98 ft. min.	
Design, target speed	30 - 35 mph	
TRAVELED WAY		
(TL) Vehicle lanes	3	
Vehicle lane width	10 ft. ¹	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Buffered lane	
Bicycle facility width	6 ft. + 3 ft. buffer	
(MD) Median	n/a	
Turning lanes	At arterial intersections only	
STREETSCAPE		
(SW) Sidewalk width	8 ft. min.	
(BV) Boulevard width	5 ft. min., 7 ft. max.	
Boulevard type	Long tree well, 5 ft. x 14 ft. min.	
Tree spacing	30 ft. on center	
1 Subject to MNDOT approval.		
STREET ST 70 - 46		
Functional class	Primary, local, local street	
Right-of-way	74 ft. min. primary local 70 ft. min. local street	
Design, target speed	25 mph	
TRAVELED WAY		
(TL) Vehicle lanes	2	
Vehicle lane width	10 ft. ²	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Lane (local street), buffered lane (primary local)	

¹ Subject to MNDOT approval.

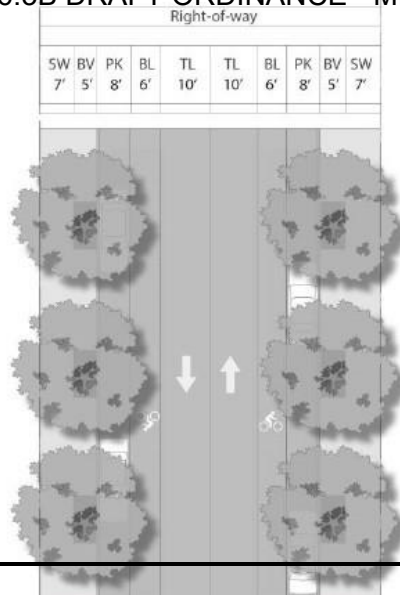
STREET ST 70 - 46	
Functional class	Primary, local, local street
Right-of-way	74 ft. min. primary local 70 ft. min. local street
Design, target speed	25 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft.2
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.
(BL) Bicycle facility	Lane (local street), buffered lane (primary local)



The diagram illustrates a cross-section of a street. On the left and right sides, there are buildings represented by hatched patterns. In the center, there is a two-lane road with two trees, one on each side of the road. Two cars are shown driving on the road. The road is flanked by parking lanes, and the entire street is bordered by a sidewalk. The sky is a light gray, and the ground is a dark gray.

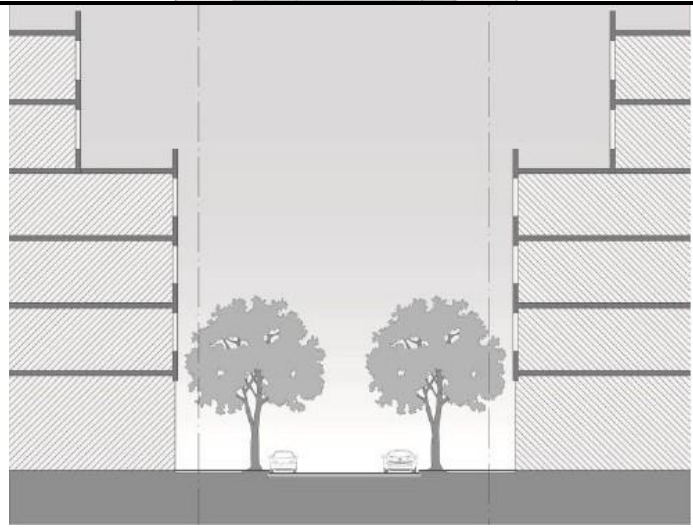
6.3B DRAFT ORDINANCE - MIXED USE

Bicycle facility width	6 ft. + 2 ft. buffer (primary local)
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	7 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



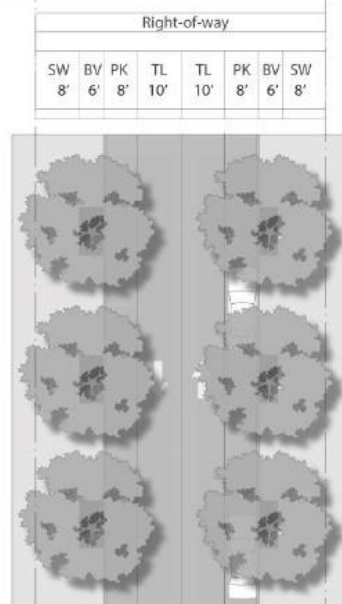
2 Subject to MNDOT approval.

STREET ST 58 - 30	
Functional class	Primary local, local street
Right-of-way	60 ft. min. primary local 58 ft. min. local street
Design, target speed	25 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft. primary local ³
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.



(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a

STREETSCAPE	
(SW) Sidewalk width	8 ft. min.
(BV) Boulevard width	6 ft. min., 7 ft. max.
Boulevard type	Long tree well, 6 ft. x 14 ft. min.
Tree spacing	30 - 35 ft. on center



3 Subject to MNDOT approval.

6.3B DRAFT ORDINANCE - MIXED USE

STREET ST 49 - 27	
Functional class	Local street
Right-of-way	49 ft. min.
Design, target speed	20 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft. ⁴
Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	6 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center

Right-of-way							
SW	BV	TL	TL	PK	BV	SW	
6'	5'	10'	10'	8'	5'	6'	

⁴ Subject to MNDOT approval.

Table 13. Street Design Criteria

CRITERIA	LOCAL STREET	PRIMARY LOCAL	ARTERIAL
Table 13. Street Design Criteria			
CRITERIA	LOCAL STREET	PRIMARY LOCAL	ARTERIAL
Sidewalk	5 ft. min. plus boulevard width	6 ft. min. plus boulevard width	8 ft. min. plus boulevard width
Boulevard	6 ft. wide by 6 ft. long min.	7 ft. wide by 14 ft. long min.	7 ft. wide by 14 ft. long min.
Parking lane width	8 ft. min.	8 ft. min.	8 ft. min.
Parking lanes required	0 - 2	2 min.	0 - 2
Travel lane width	9 ft. min., 10 ft. max.	10 ft. min., 11 ft. max.	10 ft. min., 11 ft. max.
Travel lanes required	1 - 2	2 - 4	4+ median
Movement types	one-way, two-way	two-way	two-way
Median	n/a	optional, 8 ft. min	optional, 10 ft. min.
Design speed, target speed	20 mph	25 mph	30 mph
Bike facility required	optional	required	required
Bike facility type	sharrow, lane, route	buffered lane, protected lane	buffered lane, protected lane
Bike lane width	5 ft. min.	6 ft. min.	6 ft. min.
Bike lane buffer	n/a	2 ft. min.	3 ft. min.

(2) Civic standards.

(a) The minimum and maximum percentage of land to be dedicated and deeded as civic space is shown in Table 1314. Civic spaces must be designed according to Table 1314.

Table 14. Civic Space Types

Table 14. Civic Space Types

SQUARE		
Size in acres	0.25 - 2.5	
Proportion (a:b)	1:5 max.	
Edge condition	Thoroughfares on a minimum of two non-adjacent sides	
Surface	50% maximum paved; pervious paving allowed	
Landscape	1 tree with mature canopy over 25 ft. per 800 sq. ft. of area min.	
PLAZA		
Size in square feet	5,000 - 20,000	
Proportion (a:b)	1:5 max.	
Edge condition	Thoroughfares on a minimum of two sides	
Surface	50% minimum paved; pervious paving allowed; bituminous pavement prohibited	
Landscape	1 tree with mature canopy over 25 ft. per 1,000 sq. ft. of area min.	
POCKET PARK		
Size in square feet	1,000 - 5,000	
Proportion (a:b)	1:4 max.	
Edge condition	1 side minimum along a thoroughfare or pedestrian passage	
Surface	May be paved or landscaped	
Landscape	1 tree with mature canopy over 20 ft. per 600 sq. ft. of area min.	
PEDESTRIAN PASSAGE		
Width	12 ft. min., 24 ft. max.	
Edge condition	Active frontages required in high intensity blocks	
Walkway width	6 ft. min.	
Landscape	3 ft. minimum landscape edge in medium and low intensity blocks	

(3) Lot standards.

(a) Lots must have minimum and maximum widths according to Table 1415.

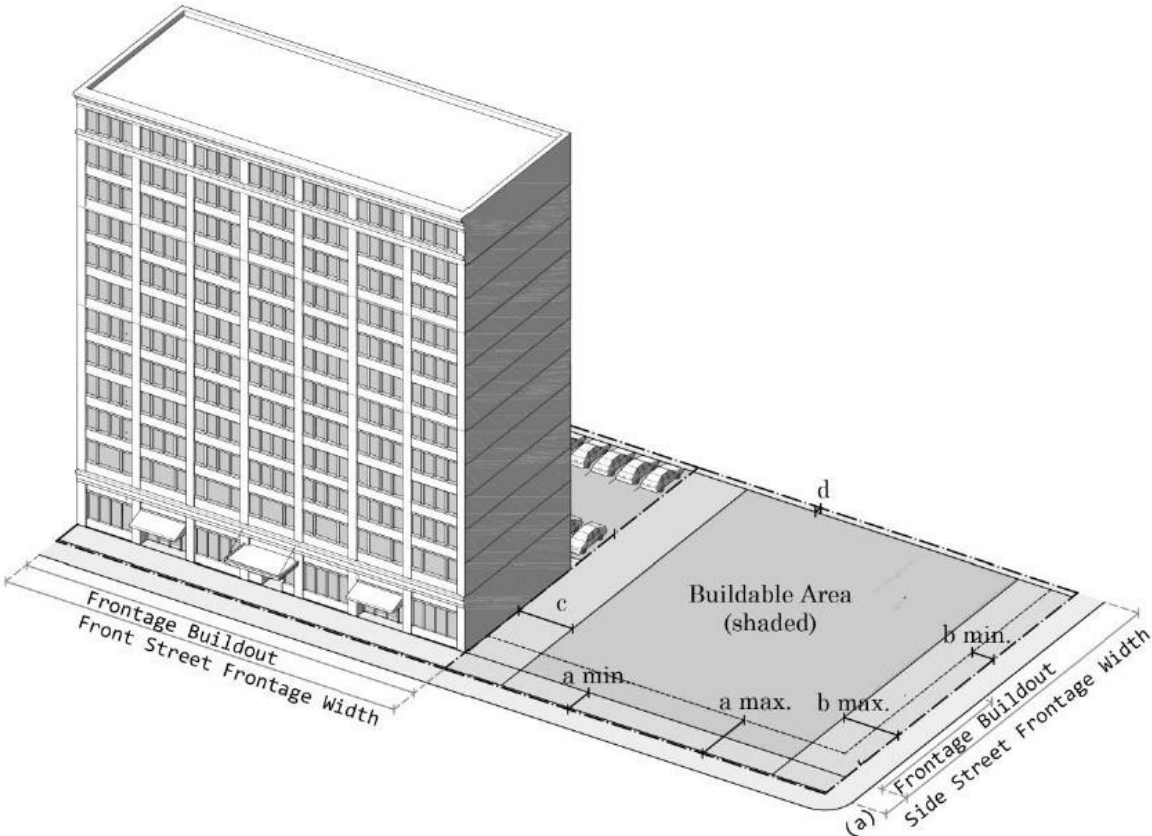
(b) Each lot must have a primary frontage along a vehicular thoroughfare, except up to 20% of the parcels in a regulating plan may front a

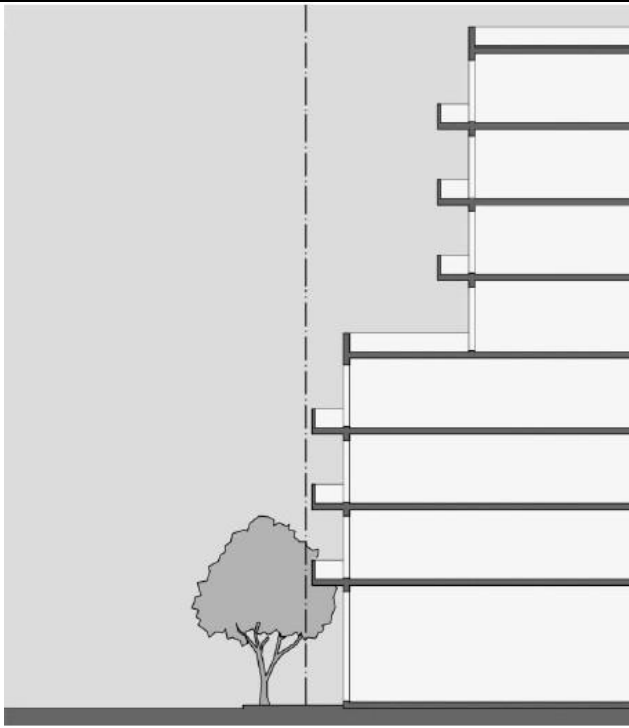
civic space or pedestrian passage.

(c) Where lots have multiple frontages, one frontage line must be designated as primary and any other frontage lines must be designated as secondary.

Table 15. Lot Width		
LOW INTENSITY	MEDIUM INTENSITY	HIGH INTENSITY
20 ft. min., 100 ft. max. except single-family lots may not exceed 50 ft.	20 ft. min., 180 ft. max.	20 ft. min., 300 ft. max.

(E) Standards. All parcels in TOD-G must meet the standards of Table 15-16 through Table 17-18 according to the requirements of §152.601.

Table 16. TOD-G High Intensity Building and Site Standards			
Table 16. TOD-G High Intensity Building and Site Standards			
			
BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	1 ft. min. - 12 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min. - 12 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. or 6 ft. min.	Side property line	0 ft. min.
d. Rear property line	3 ft. min.	Rear property line	3 ft. min.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	80% min.	Lot coverage by building	80% max
Side street	50 ft. min. from front street	Building width	200 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	
Upper floors	15% min.		

**BUILDING HEIGHT**

8 stories max.

Parking structure
height

1 story less than building

Building height of 12 stories is available with a conditional use permit upon initiation of construction of the Oak Grove METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.

USES**RESIDENTIAL**

P	Multiple dwelling
P	Care facility and convalescent home

INSTITUTIONAL

P	Religious assembly
NP	Schools
P	Libraries
P	Museums

OTHER

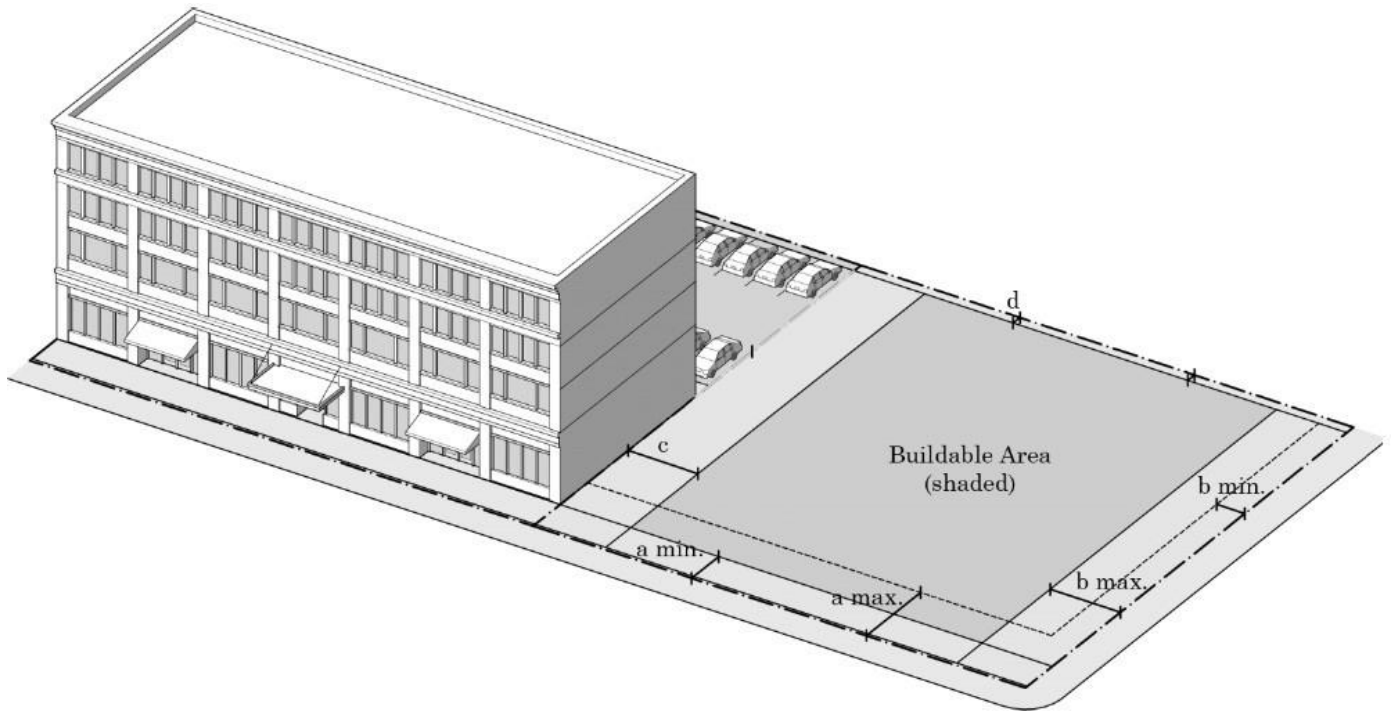
C	Wireless communication facilities
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COMMERCIAL

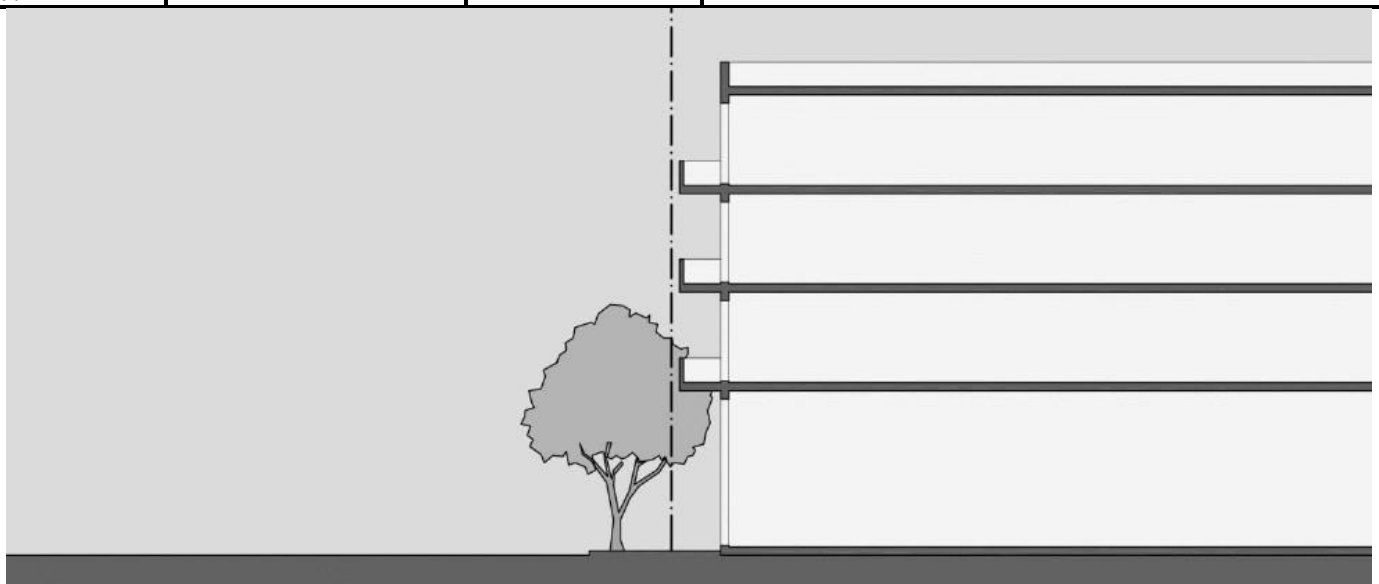
P	Sales and service
P	Restaurants and brewpubs
P	Office
P	Medical clinics
P	Child care
P	Adult day care
P	Parking
C	Breweries and micro-distilleries
C	Taprooms and cocktail rooms
NP	Drive-through window
NP	Fuel stations
NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery, and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

Table 17. TOD-G Medium Density Building and Site Standards

Table 17. TOD-G Medium Density Building and Site Standards



BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	1 ft. min - 16 ft. max.	Front street	30 ft. min.
b. Side street	2 ft. min - 16 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. or 6 ft. min.	Side property line	0 ft. min.
d. Rear property line	3 ft. min.	Rear property line	3 ft. min.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	70% min.	Lot coverage by buildings	80% max.
Side street	40 ft. min. from front street	Building width	100 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	60% min.	Shopfront	Common entry
Side street	30% min.	Forecourt	Stoop
Upper floors	15% min.		

**BUILDING HEIGHT**

4 stories max.

Parking structure
height

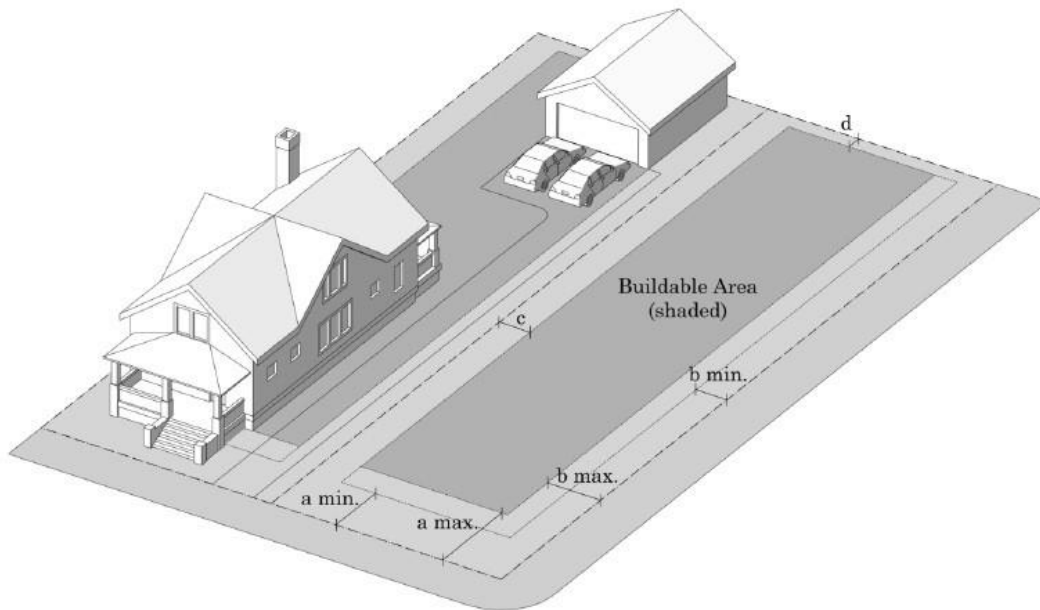
1 story less than building

Building height of 6 stories is available with a conditional use permit upon initiation of construction of the Oak Grove METRO Station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.

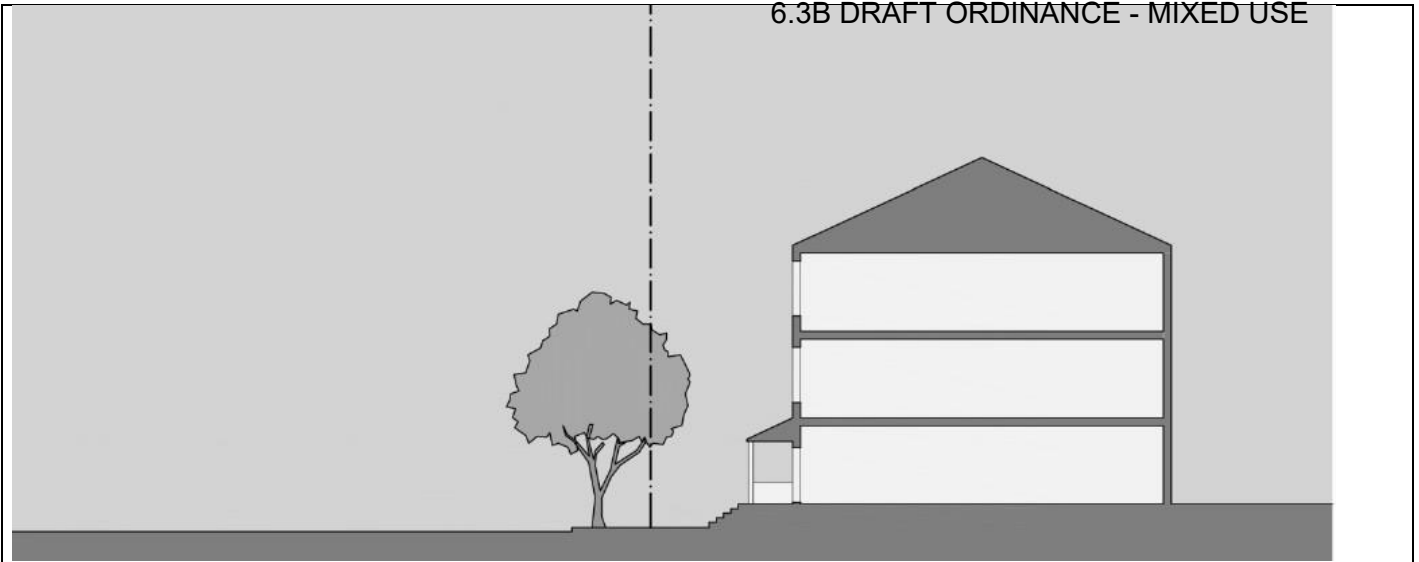
USES			
RESIDENTIAL		COMMERCIAL	
P	Townhouse	R	Sales and service
P	Multiple dwelling	P	Restaurants and brewpubs
P	Care facility , convalescent home	P	Office
INSTITUTIONAL		P	Lodging, not to exceed 50 rooms
P	Religious assembly	P	Medical clinic
NP	Schools	P	Child care
R	Libraries	P	Adult day care
R	Museums	C	Taprooms and cocktail rooms
OTHER		C	Breweries and micro-distilleries
C	Wireless communication facilities	NP	Parking as primary use
		NP	Fuel stations
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

Table 18. TOD-G Low Intensity Building and Site Standards

Table 18. TOD-G Low Intensity Building and Site Standards



BUILDING SETBACKS		PARKING AND STORAGE SETBACKS	
a. Front street	8 ft. min. - 20 ft. max.	Front street	24 ft. min.
b. Side street	5 ft. min. - 20 ft. max.	Side street	12 ft. min.
c. Side property line	0 ft. or 6 ft. min.	Side property line	5 ft. min.
d. Rear property line	3 ft. min.	Rear property line	5 ft. min.
MINIMUM FRONTAGE BUILDOUT		LOT COVERAGE AND BUILDING WIDTH	
Front street	60% min.	Lot coverage by building	70% max.
Side street	40 ft. min. from front street	Building width	80 ft. max.
MINIMUM GLAZING		FACADE TYPES	
Front street	15% min.	Shopfront	Common entry
Side street	15% min.	Stoop	Porch
Upper floors	n/a		

**BUILDING HEIGHT**

3 stories or 40 feet max.

USES

RESIDENTIAL		COMMERCIAL	
P	Single-family, two-family	R	Retail and service
P	Townhouse	P	Restaurants, not to exceed 40 seats
P	Multiple dwelling	P	Brewpubs, not to exceed 40 seats
P	Care facility, convalescent home	P	Office, not to exceed 5,000 sq. ft.
INSTITUTIONAL		P	Lodging, not to exceed 12 rooms
NP	Religious assembly	P	Child care
NP	Schools	C	Medical clinic, not to exceed 5,000 sq. ft.
R	Libraries	C	Adult day care
R	Museums	NP	Parking as primary use
OTHER		NP	Gasoline sales
C	Wireless communication facilities	NP	Breweries and micro-distilleries
		NP	Taprooms and cocktail rooms
		NP	Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

(Ord. 2018-1231, passed 7-9-18)

- (A) Purpose and applicability. The structure of the MU district provides the city and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented neighborhood. The subdivision regulations in division (C) provide the following:
- (1) A network of connected streets and blocks that reflect an approved station area plan;
 - (2) General block sizes and configurations that support zoning and land use goals;
 - (3) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site;
 - (4) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.
- (B) Regulating plan. The MU district is implemented through a regulating plan, to be submitted prior to or in conjunction with other required applications. Areas zoned MU must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. Regulating plans must be recorded against all properties governed by the plan and must show the following:
- (1) District boundaries;
 - (2) Existing infrastructure including streets, parks and open space;
 - (3) Thoroughfare network according to division (C) with thoroughfare assignments according to Table 21 or Table 22;
 - (4) Civic area according to Table 19, with types and boundaries according to Table 23.

<u>Table 19. Regulating Plan Requirements</u>
<u>CIVIC SPACE</u>
<u>Percentage of Area</u>
<u>5 - 10%</u>

- (C) Subdivision regulations. The provisions of this section will be used upon subdivision within the MU zoning district.
- (1) The thoroughfare network must be laid out according to Table 20 and comply with the standards of division (D)(1)(a) below.

<u>Table 20. Subdivision and Block Standards</u>	
<u>BLOCK DIMENSIONS</u>	<u>DIMENSIONS</u>
<u>Block length</u>	<u>400 ft. max</u>
<u>Block perimeter</u>	<u>1,600 ft. max.</u>
<u>Alley width</u>	<u>16 ft. min.</u>
<u>MID-BLOCK PEDESTRIAN PASSAGES</u>	
<u>Pedestrian passage width</u>	<u>12 ft. min., 24 ft. max.</u>

- (a) Thoroughfare standards.
1. All thoroughfares must connect to other thoroughfares, forming a network.
 - a. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the City Manager to accommodate specific site conditions.
 - b. New thoroughfares must implement any approved Small Area Plan Street Network and use street section options from Table 21.
 - c. A section may be chosen according to right-of-way width and functional classification. New thoroughfare sections may be created using the standards in Table 22.
- (b) Block dimensions.
1. Block length and perimeter may be adjusted up to 20% with approval from the City Manager due to topography, existing development conditions, or if the block is at the perimeter of the regulating plan. Block lengths up to 800 feet may be approved if a mid-block pedestrian passage is provided.
- (c) Mid-block pedestrian passages.
1. In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations.
- (d) Parking lot layout.

1. In addition to the parking regulations of §152.605(A), parking lots in MU must be laid out as blocks per Table 20, with utilities located in the drive aisles. Drive aisles must have adequate width to redevelop with rights-of-way required by one or more of the thoroughfare sections in Table 21.

Table 21. Thoroughfare Sections

Table 21. Thoroughfare Sections

STREET ST 98 – 72		ILLUSTRATION
Functional class	Arterial	
Right-of-way	98 ft. min.	
Design, target speed	30 - 35 mph	
TRAVELED WAY		
(TL) Vehicle lanes	3	
Vehicle lane width	10 ft. ¹	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Buffered lane	
Bicycle facility width	6 ft. + 3 ft. buffer	
(MD) Median	n/a	
Turning lanes	At arterial intersections only	
STREETSCAPE		
(SW) Sidewalk width	8 ft. min.	
(BV) Boulevard width	5 ft. min., 7 ft. max.	
Boulevard type	Long tree well, 5 ft. x 14 ft. min.	
Tree spacing	30 ft. on center	
1 Subject to MNDOT approval.		

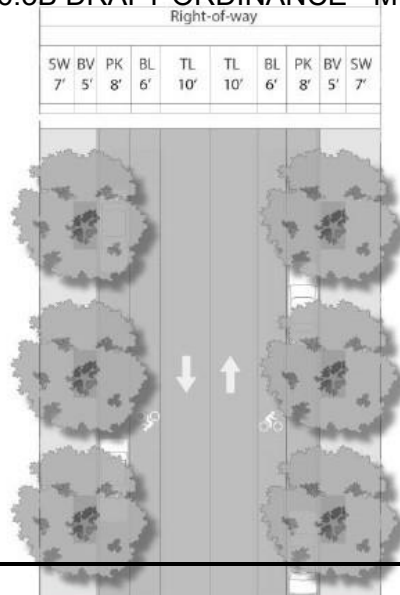
Right-of-way											
SW	BV	PK	BL	TL	TL	TL	BL	PK	BV	SW	
8'	5'	8'	6'	10'	10'	10'	6'	8'	5'	8'	

STREET ST 70 - 46		ILLUSTRATION
Functional class	Primary, local, local street	
Right-of-way	74 ft. min. primary local 70 ft. min. local street	
Design, target speed	25 mph	
TRAVELED WAY		
(TL) Vehicle lanes	2	
Vehicle lane width	10 ft. ²	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Lane (local street), buffered lane (primary local)	

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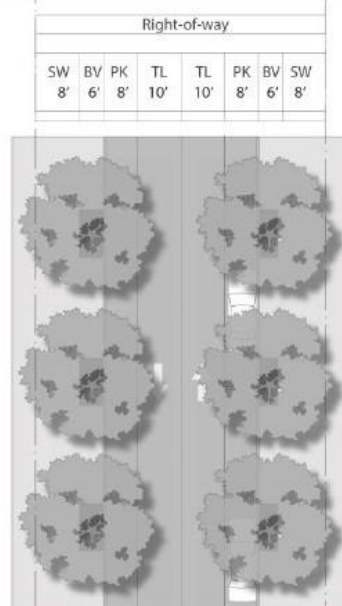
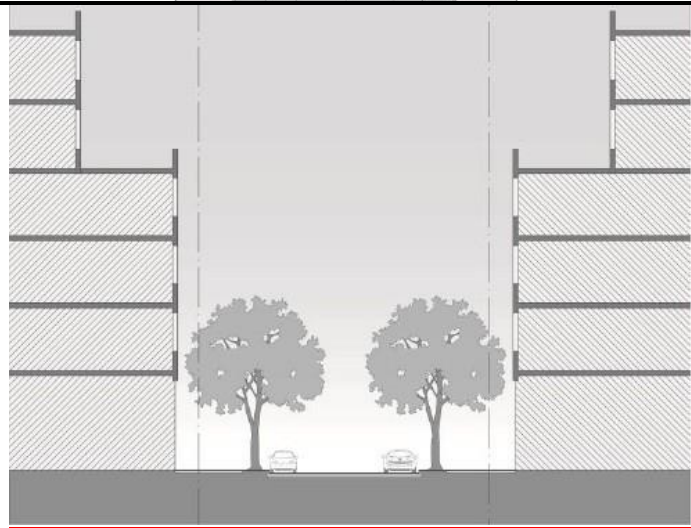
6.3B DRAFT ORDINANCE - MIXED USE

<u>Bicycle facility width</u>	<u>6 ft. + 2 ft. buffer (primary local)</u>
<u>(MD) Median</u>	<u>n/a</u>
<u>Turning lanes</u>	<u>n/a</u>
<u>STREETSCAPE</u>	
<u>(SW) Sidewalk width</u>	<u>7 ft. min.</u>
<u>(BV) Boulevard width</u>	<u>5 ft. min., 7 ft. max.</u>
<u>Boulevard type</u>	<u>Long tree well, 5 ft. x 14 ft. min.</u>
<u>Tree spacing</u>	<u>30 ft. on center</u>



2 Subject to MNDOT approval.

<u>STREET ST 58 - 30</u>	
<u>Functional class</u>	<u>Primary local, local street</u>
<u>Right-of-way</u>	<u>60 ft. min. primary local</u> <u>58 ft. min. local street</u>
<u>Design, target speed</u>	<u>25 mph</u>
<u>TRAVELED WAY</u>	
<u>(TL) Vehicle lanes</u>	<u>2</u>
<u>Vehicle lane width</u>	<u>10 ft. primary locals</u>
<u>Movement</u>	<u>Two-way</u>
<u>(PK) Parking lanes</u>	<u>2</u>
<u>Parking lane width</u>	<u>8 ft.</u>
<u>(BL) Bicycle facility</u>	<u>sharrow optional</u>
<u>Bicycle facility width</u>	<u>n/a</u>
<u>(MD) Median</u>	<u>n/a</u>
<u>Turning lanes</u>	<u>n/a</u>
<u>STREETSCAPE</u>	
<u>(SW) Sidewalk width</u>	<u>8 ft. min.</u>
<u>(BV) Boulevard width</u>	<u>6 ft. min., 7 ft. max.</u>
<u>Boulevard type</u>	<u>Long tree well, 6 ft. x 14 ft. min.</u>
<u>Tree spacing</u>	<u>30 - 35 ft. on center</u>



3 Subject to MNDOT approval.

6.3B DRAFT ORDINANCE - MIXED USE

STREET ST 49 - 27

<u>Functional class</u>	<u>Local street</u>
<u>Right-of-way</u>	<u>49 ft. min.</u>
<u>Design, target speed</u>	<u>20 mph</u>
<u>TRAVELED WAY</u>	
<u>(TL) Vehicle lanes</u>	<u>2</u>
<u>Vehicle lane width</u>	<u>10 ft.4</u>
<u>Movement</u>	<u>Two-way</u>
<u>(PK) Parking lanes</u>	<u>1</u>
<u>Parking lane width</u>	<u>8 ft.</u>
<u>(BL) Bicycle facility</u>	<u>sharrow optional</u>
<u>Bicycle facility width</u>	<u>n/a</u>
<u>(MD) Median</u>	<u>n/a</u>
<u>Turning lanes</u>	<u>n/a</u>
<u>STREETSCAPE</u>	
<u>(SW) Sidewalk width</u>	<u>6 ft. min.</u>
<u>(BV) Boulevard width</u>	<u>5 ft. min., 7 ft. max.</u>
<u>Boulevard type</u>	<u>Long tree well, 5 ft. x 14 ft. min.</u>
<u>Tree spacing</u>	<u>30 ft. on center</u>

A cross-section diagram of a street. It shows a central travel lane with two trees, a central median, and parking lanes on both sides. The diagram is labeled '6.3B DRAFT ORDINANCE - MIXED USE' at the top.

A plan view diagram of the street layout. It shows the lane widths and tree spacing. A table above the diagram lists the widths: SW 6', BV 5', TL 10', TL 10', PK 8', BV 5', SW 6'. The diagram is labeled '6.3B DRAFT ORDINANCE - MIXED USE' at the top.

4 Subject to MNDOT approval.

Table 22. Street Design Criteria

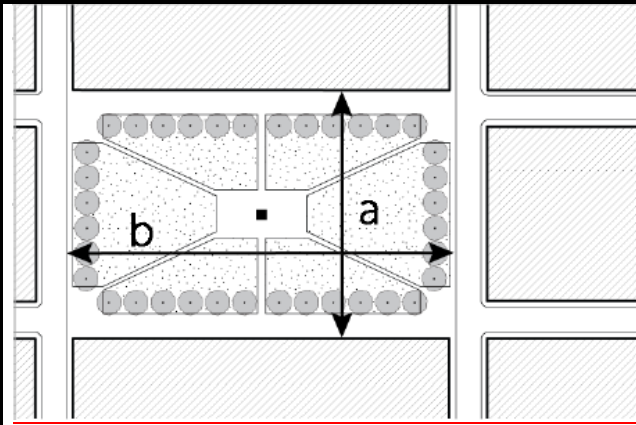
CRITERIA	LOCAL STREET	PRIMARY LOCAL	ARTERIAL
Table 22. Street Design Criteria			
CRITERIA	LOCAL STREET	PRIMARY LOCAL	ARTERIAL
<u>Sidewalk</u>	<u>5 ft. min. plus boulevard width</u>	<u>6 ft. min. plus boulevard width</u>	<u>8 ft. min. plus boulevard width</u>
<u>Boulevard</u>	<u>6 ft. wide by 6 ft. long min.</u>	<u>7 ft. wide by 14 ft. long min.</u>	<u>7 ft. wide by 14 ft. long min.</u>
<u>Parking lane width</u>	<u>8 ft. min.</u>	<u>8 ft. min.</u>	<u>8 ft. min.</u>
<u>Parking lanes required</u>	<u>0 - 2</u>	<u>2 min.</u>	<u>0 - 2</u>
<u>Travel lane width</u>	<u>9 ft. min., 10 ft. max.</u>	<u>10 ft. min., 11 ft. max.</u>	<u>10 ft. min., 11 ft. max.</u>
<u>Travel lanes required</u>	<u>1 - 2</u>	<u>2 - 4</u>	<u>4+ median</u>
<u>Movement types</u>	<u>one-way, two-way</u>	<u>two-way</u>	<u>two-way</u>
<u>Median</u>	<u>n/a</u>	<u>optional, 8 ft. min</u>	<u>optional, 10 ft. min.</u>
<u>Design speed, target speed</u>	<u>20 mph</u>	<u>25 mph</u>	<u>30 mph</u>
<u>Bike facility required</u>	<u>optional</u>	<u>required</u>	<u>required</u>
<u>Bike facility type</u>	<u>sharrow, lane, route</u>	<u>buffered lane, protected lane</u>	<u>buffered lane, protected lane</u>
<u>Bike lane width</u>	<u>5 ft. min.</u>	<u>6 ft. min.</u>	<u>6 ft. min.</u>
<u>Bike lane buffer</u>	<u>n/a</u>	<u>2 ft. min.</u>	<u>3 ft. min.</u>

(2) Civic standards.

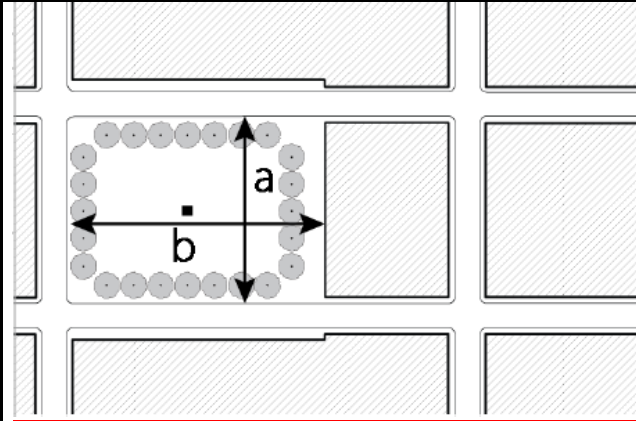
(a) The minimum and maximum percentage of land to be dedicated and deeded as civic space is shown in Table 23. Civic spaces must be designed according to Table 23.

Table 23. Civic Space TypesTable 23. Civic Space Types**SQUARE**

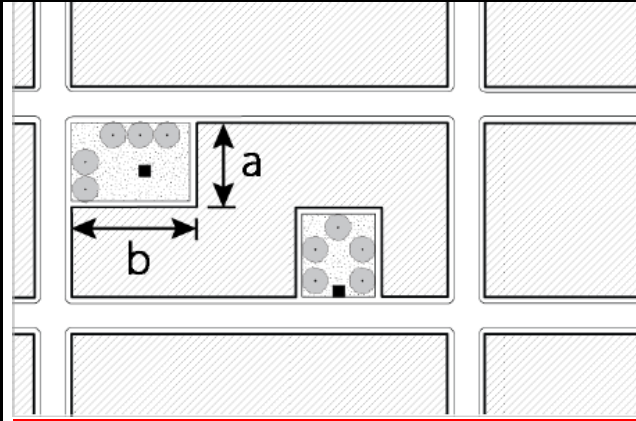
<u>Size in acres</u>	<u>0.25 - 2.5</u>
<u>Proportion (a:b)</u>	<u>1:5 max.</u>
<u>Edge condition</u>	<u>Thoroughfares on a minimum of two non-adjacent sides</u>
<u>Surface</u>	<u>50% maximum paved; pervious paving allowed</u>
<u>Landscape</u>	<u>1 tree with mature canopy over 25 ft. per 800 sq. ft. of area min.</u>

**PLAZA**

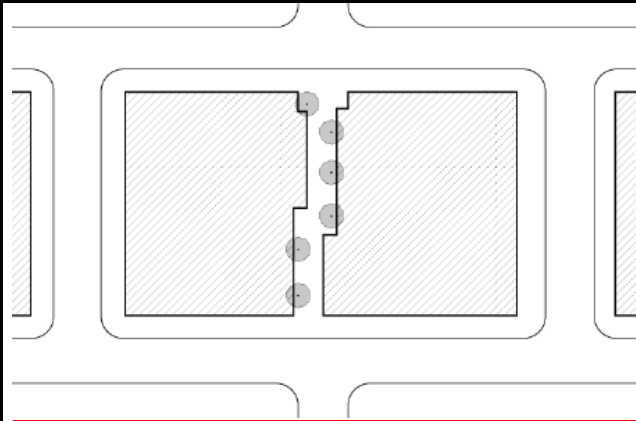
<u>Size in square feet</u>	<u>5,000 - 20,000</u>
<u>Proportion (a:b)</u>	<u>1:5 max.</u>
<u>Edge condition</u>	<u>Thoroughfares on a minimum of two sides</u>
<u>Surface</u>	<u>50% minimum paved; pervious paving allowed; bituminous pavement prohibited</u>
<u>Landscape</u>	<u>1 tree with mature canopy over 25 ft. per 1,000 sq. ft. of area min.</u>

**POCKET PARK**

<u>Size in square feet</u>	<u>1,000 - 5,000</u>
<u>Proportion (a:b)</u>	<u>1:4 max.</u>
<u>Edge condition</u>	<u>1 side minimum along a thoroughfare or pedestrian passage</u>
<u>Surface</u>	<u>May be paved or landscaped</u>
<u>Landscape</u>	<u>1 tree with mature canopy over 20 ft. per 600 sq. ft. of area min.</u>

**PEDESTRIAN PASSAGE**

<u>Width</u>	<u>12 ft. min., 24 ft. max.</u>
<u>Edge condition</u>	<u>Active frontages required in high intensity blocks</u>
<u>Walkway width</u>	<u>6 ft. min.</u>
<u>Landscape</u>	<u>3 ft. minimum landscape edge in medium and low intensity blocks</u>

(3) Lot standards.(a) Lots must have minimum and maximum widths according to Table 24.(b) Each lot must have a primary frontage along a vehicular thoroughfare, except up to 20% of the parcels in a regulating plan may front a

6.3B DRAFT ORDINANCE - MIXED USE

civic space or pedestrian passage.

(c) Where lots have multiple frontages, one frontage line must be designated as primary and any other frontage lines must be designated as secondary.

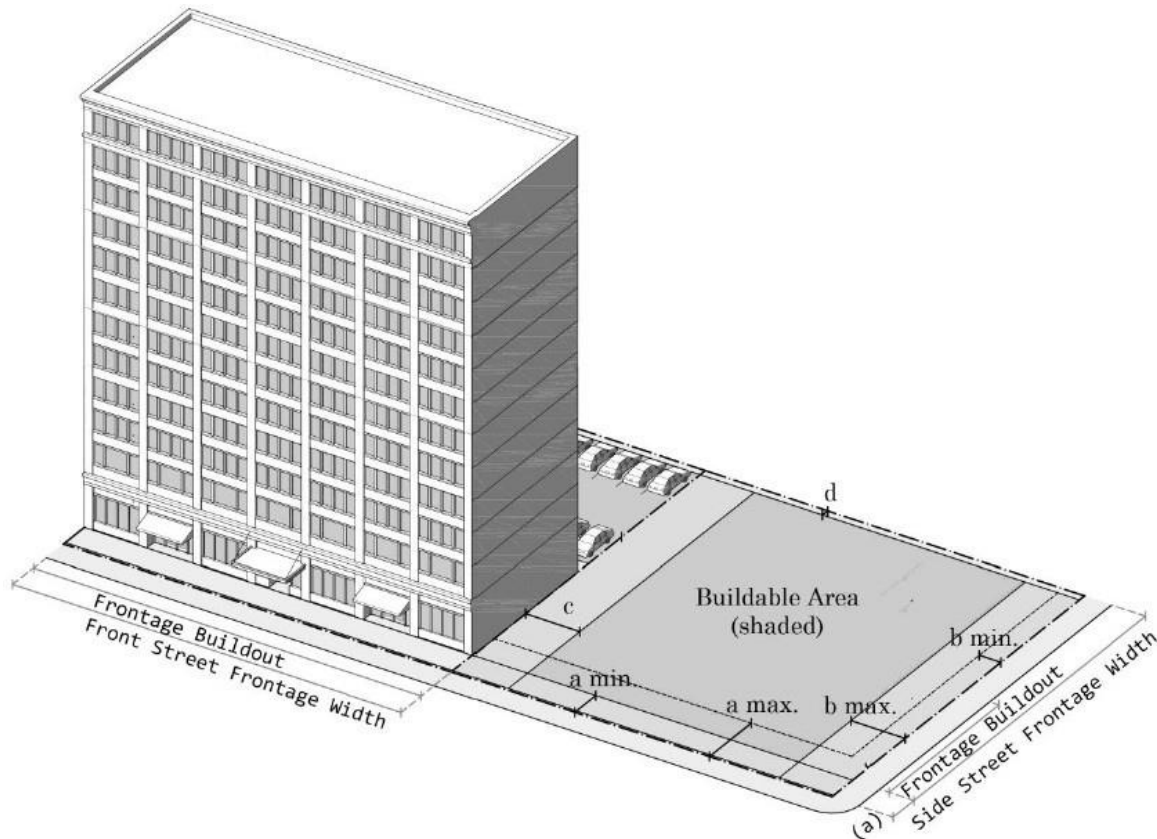
Table 24. Lot Width

HIGH INTENSITY

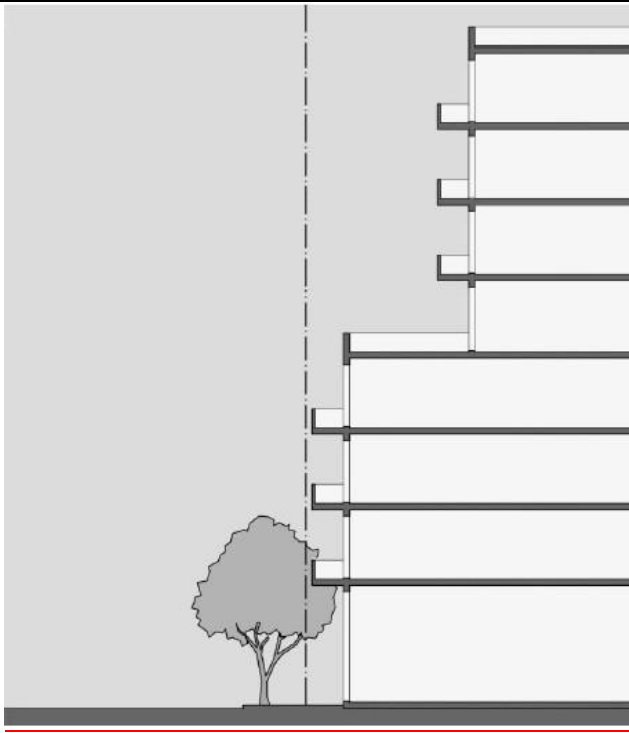
20 ft. min., 400 ft. max.

(D) Standards. All parcels in MU must meet the standards of Table 25 according to the requirements of §152.601.

Table 25. MU Building and Site Standards



<u>BUILDING SETBACKS</u>		<u>PARKING AND STORAGE SETBACKS</u>	
<u>a. Front street</u>	<u>1 ft. min. - 12 ft. max.</u>	<u>Front street</u>	<u>30 ft. min.</u>
<u>b. Side street</u>	<u>2 ft. min. - 12 ft. max.</u>	<u>Side street</u>	<u>12 ft. min.</u>
<u>c. Side property line</u>	<u>0 ft. or 6 ft. min.</u>	<u>Side property line</u>	<u>0 ft. min.</u>
<u>d. Rear property line</u>	<u>3 ft. min.</u>	<u>Rear property line</u>	<u>3 ft. min.</u>
<u>MINIMUM FRONTAGE BUILDOUT</u>		<u>LOT COVERAGE AND FLOOR AREA RATIO</u>	
<u>Front street</u>	<u>80% min.</u>	<u>Lot coverage by building</u>	<u>80% max</u>
<u>Side street</u>	<u>50 ft. min. from front street</u>	<u>Minimum Floor Area Ratio</u>	<u>1.0</u>
<u>MINIMUM GLAZING</u>		<u>FACADE TYPES</u>	
<u>Front street</u>	<u>30% min.</u>	<u>Shopfront</u>	<u>Common entry</u>
<u>Side street</u>	<u>30% min.</u>	<u>Forecourt</u>	<u>Stoop</u>
<u>Upper floors</u>	<u>10% min.</u>	<u>Porch</u>	

**BUILDING HEIGHT**8 stories max.Parking structure height1 story less than building**USES****RESIDENTIAL**

<u>P</u>	<u>Multiple dwelling</u>
<u>P</u>	<u>Townhouse</u>
<u>P</u>	<u>Care facility and convalescent home</u>

INSTITUTIONAL

<u>P</u>	<u>Religious assembly</u>
<u>P</u>	<u>Schools</u>
<u>P</u>	<u>Libraries</u>
<u>P</u>	<u>Museums</u>

OTHER

<u>C</u>	<u>Wireless communication facilities</u>
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COMMERCIAL

<u>P</u>	<u>Sales and service</u>
<u>P</u>	<u>Restaurants and brewpubs</u>
<u>P</u>	<u>Office</u>
<u>P</u>	<u>Medical clinics</u>
<u>P</u>	<u>Child care</u>
<u>P</u>	<u>Adult day care</u>
<u>P</u>	<u>Parking</u>
<u>P</u>	<u>Lodging</u>
<u>C</u>	<u>Breweries and micro-distilleries</u>
<u>C</u>	<u>Taprooms and cocktail rooms</u>
<u>C</u>	<u>Entertainment</u>
<u>NP</u>	<u>Drive-through facilities</u>
<u>NP</u>	<u>Fuel stations</u>
<u>NP</u>	<u>Auto oriented repair services, Carwashes, Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales, Indoor sales of automobiles, trucks and recreational vehicles and the like, Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales</u>

PEDESTRIAN PRIORITY OVERLAY DISTRICT

§ 152.550 PURPOSE.

The Pedestrian Priority Overlay District (PPOD) is established to provide pedestrian-oriented development on streets designated as Pedestrian Priority Streets in the Comprehensive Plan. This district is applied at a 150-foot depth from the front lot line of parcels fronting a Pedestrian Priority Street.

§ 152.551 DISTRICT STANDARDS.

- (A) *Minimum Floor Area Ratio*. Notwithstanding the regulations of the underlying zoning district, the minimum floor area ratio for new development in the PPOD is 0.5, subject to the requirements of §152.604(H)
- (B) *Required commercial uses*. The first floor of all new developments in the PPOD shall provide commercial uses, subject to the requirements of this section.
- (C) *Size of required commercial use space*. In a multi-story building the commercial use or uses shall occupy at least sixty (60) percent of the building's ground-floor street frontage and a minimum interior depth of twenty (20) feet. In a single-story building the commercial use or uses shall occupy one hundred (100) percent of the building's street frontage and a minimum interior depth of twenty (20) feet.
- (D) *Use of required commercial space*. Required commercial use areas shall be occupied by one or more of the following uses. Building amenities intended for use solely by building occupants and not open to the general public shall not qualify as a required commercial use.
 - a. Retail and service
 - b. Restaurant and brewpubs
 - c. Medical clinics
 - d. Child care
 - e. Adult day care
 - f. Breweries and micro-distilleries
 - g. Taprooms and cocktail rooms

§ 152.030 PURPOSE.

This subchapter is established to define the procedures and processes for applications for development, redevelopment, and changes in use of property in Brooklyn Park.

(Ord. 2000-936)

§ 152.031 GENERAL PROCEDURES.

(A) *Applications.* The City Manager determines if the required information is complete. If the information is determined to be incomplete, such that a thorough review of the application is not possible, the item may not be placed on the Planning Commission or City Council agenda for consideration until the required information is submitted. The applicant will be notified within ten days following the receipt of the application describing the information that is missing.

(B) *Notification.* All applications for development proposals requiring a public hearing must be advertised to allow informed participation by all interested parties and conform with the applicable state statute. The City Manager may maintain copies of the city policy concerning notification.

(C) *Applications requiring public hearings.* The following applications for development proposals require public hearings:

- (1) Approval of Site Plan.
- (2) Variance.
- (3) Conditional Use Permits and amendments.
- (4) Conditional Use Permit revocation.
- (5) Zoning Text and Map Amendments (Rezoning).
- (6) Preliminary Development Plan for the Planned Unit Development District.
- (7) Concept or Regulating Plans for the Special Zoning Overlays.

(8) Development Plan for Planned Community Development District, the Planned Unit Development District, or Special Zoning Overlays Districts.

(D) *Planning Commission and City Council action.*

(1) The Planning Commission may recommend such actions or conditions relating to the application as it deems necessary to carry out the intent and purpose of this chapter and the Comprehensive Plan.

(2) The City Council may adopt, modify or reject any recommendation of the Planning Commission.

(3) At any time before final action is taken on an application, the applicant may request a continuance of action by the Planning Commission and City Council, or withdraw the application by submitting a letter to the City Manager stating the applicant's desire to do so. Any portion of fees spent in the processing of the application may be retained by the city. The City Manager may establish a time limit on any continuation.

(E) *Appeals.* This division is established to allow those aggrieved by the decision of the City Manager to attempt to remedy the grievance by appealing the decision to the City Council. Any unresolved dispute as to an administrative interpretation of City Code, ordinance, or policy requirements may be appealed to the Planning Commission in its role as the Board of Adjustments and Appeals subject to §§ 31.15 through 31.19 of the City Code. The appeal must be submitted in writing to the City Manager on or before the next application filing deadline for a Planning Commission meeting.

(F) *Re-submitting denied applications.* No application which has been denied wholly or in part may be resubmitted for at least one year from the date of its denial, unless substantial changes have been made which warrant reconsideration, as determined by the City Manager.

(G) *Expiration of action.* Unless otherwise specified in this Chapter, or as approved by the City Council, the approved applications for projects become null and void by December 31 of the year following the date of its approval, unless the property owner or applicant has begun construction of any building, structure, addition or alteration, or use as evidenced by the issuance of a building permit or grading permit in compliance with the approved plan. The property owner or applicant has the right to submit an application for a time extension in accordance with this chapter.

(H) *Request for time extensions.*

(1) A request for a time extension may be considered by the City Manager. Time extensions must be submitted to the City Manager prior to the expiration of a final action by the City Council. If an action has officially expired, no time extension may be granted. If the time extension request is delayed in the review process and, through no fault of the applicant, cannot be reviewed by the City Manager as anticipated, the request may proceed through the process to final resolution without jeopardy. The applicant may request a maximum of one time extension. Time extensions are valid for a maximum of one year from the original expiration date.

(2) The request may be reviewed with consideration of the following:

- (a) The Comprehensive Plan or any other city plan.
- (b) City policy changes.
- (c) Transportation conditions.
- (d) Applicable changes to any city, county, state or federal statutes, rules, requirements, or ordinances.

(e) Park dedication fees and other financial guarantees may be redetermined as required by the current City Code to the date of approval of the extension.

(f) Any negative escrow accounts from previous reviews must be paid and the escrow account must be updated to current minimum requirements prior to the City Manager's consideration of the extension.

(Ord. 2000-936; Am. Ord. 2001-952, passed 5-14-01)

§ 152.032 ADMINISTRATIVE PERMITS.

(A) *Purpose.* This section establishes regulations and procedures for the consideration of activities allowed by administrative permit, and of matters requiring the approval of the City Manager with the goal of protecting the health, safety, and welfare of the citizens of the city.

(B) *Procedure.*

(1) Application for an administrative permit must be filed by the property owner or designated agent with the City Manager on forms to be provided by the city.

(2) The applications for permits or amendments to permits must be accompanied by a non-refundable fee established elsewhere in the City Code.

(3) The City Manager may review the application and related materials for compliance with all applicable requirements of the City Code.

(4) The City Manager may consider possible adverse effects of the proposed events or activities. Evaluation includes (but is not limited to) consideration of the following factors:

(a) Compliance with and effect upon the Comprehensive Plan.

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

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

(d) The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(e) Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.

(f) The use, event or activity may, in all other respects, conform to the applicable regulations of the district in which it is located, as outlined in the applicable sections of this chapter.

(g) The use, event or activity and site conform to the performance standards as outlined in the applicable provisions of this chapter.

(5) The City Manager must make a determination on approval or denial of the administrative permit within 30 days from the date of submission of a complete application.

(6) A written permit may be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this chapter must be attached to the permit.

(7) Determination of the applications non-compliance with applicable codes, ordinances, and the standards in this division may be communicated to the applicant in writing and the application for the permit may be considered denied; unless, within ten days of the date of such notice, the applicant submits revised plans and/or information with which the City Manager is able to determine compliance.

(8) Unresolved disputes as to administrative application of the requirements of this division may be subject to appeal as defined in this chapter.

(9) An administrative permit may be revoked by the City Manager or by an officer of the Brooklyn Park Police Department if it is determined that the applicant has violated any conditions of the administrative permit, any applicable provisions of the City Code or any applicable provisions of state or federal law.

(C) *Performance standards.* All uses, events, or activities allowed by administrative permit must conform to the applicable standards outlined in the performance standards for the district in which such use, event, or activity is proposed.

§ 152.033 SITE PLAN REVIEW.

(A) *Purpose.* This section establishes Site Plan Review procedures and provides regulations pertaining to the enforcement of site design standards consistent with the requirements of this chapter. These procedures are established to promote high quality development to ensure the long term stability of residential neighborhoods and enhance the built and natural environment within the city as new development and redevelopment activities occur. The specific goals of the city are:

- (1) To ensure the application of quality design principles within new and redevelopment projects.
- (2) To ensure the active participation and review of site plans by the affected public.
- (3) To mitigate to the extent possible, the impact of one development upon another.
- (4) To ensure new developments to contain elements of internal and external cohesiveness to promote good neighborhood atmosphere.

(B) *Exemptions to Site Plan Review.* The following are exempt from the Site Plan Review process:

- (1) Agricultural structures in the R-1 Urban Reserve District provided they comply with all sections of the City Code.
- (2) Accessory structures in residential developments under 120 square feet and 18 feet in height or the height of the principal structure, whichever is less, provided they comply with §§ 152.260 through 152.263.

(C) *Approval required.*

- (1) Without first obtaining site plan approval it is unlawful to do any of the following:
 - (a) Construct a building.
 - (b) Move a building or structure to any lot within the city.
 - (c) Expand or change the use of a building or parcel of land or modify a building, accessory structure or site or land feature in any manner that results in a different intensity of use, including the requirement for additional parking.
 - (d) Grade or take any action to prepare a site for development, except in conformance with the requirements for a grading permit, an approved neighborhood development plan or an approved Conditional Use Permit.
 - (e) Remove earth, soils, gravel or other natural material from or place the same on a site, except in conformance with the requirements for a building or grading permit or an approved neighborhood development plan or an approved Conditional Use Permit.
- (2) *Procedures.* The procedures for application and public hearings for City Council approved Site Plan Review are outlined in § 152.031 of this subchapter.
- (3) *Plan modification.* A modification to the plans previously approved through the City Council approved Site Plan Review process, which do not qualify for an administrative Site Plan Review, must follow the City Council approved Site Plan Review procedure.
- (4) *Conditions.* The City Council may impose conditions that affect the intent of this chapter to the approval of a Site Plan Review. No building or grading permit can be issued except in compliance with the approved site plan and the conditions of approval.

(D) *Administrative Site Plan Review.*

- (1) *Approval criteria.* Site and building plans for projects may be approved by the City Manager in lieu of City Council approval if they meet the following criteria, except as otherwise expressly provided in this chapter:
 - (a) Residential properties with one dwelling unit per parcel, including those residential properties within the Planned Community Development District, the Planned Unit Development District or a Special Zoning Overlay that have already been approved through another procedure and are in compliance with the approved plan.
 - (b) Sites, buildings and uses that are permitted in the zoning district and do not require any variances from this chapter or any other city code, with the exception of the following:
 1. Nonresidential uses in a residential district.
 2. Uses with drive-through service.
 3. Nonresidential structures in a nonresidential zoning district that are not adjacent to any property zoned or guided for residential development other than property in the Urban Reserve District (R-1).
 4. Uses in the Public Institution District (PI).
 5. Religious institutions, either free-standing or within a multi-tenant building.
 6. Projects that received a Conditional Use Permit, site plan approval, or are located in a PUD or PCDD district, or a

Special Zoning Overlay, and are an expansion of no more than 10% of the floor area of an existing building, and/or affect no more than 10% of the site. They may include, but are not limited to, changing parking and circulation routes, changes in buffering or landscaping against abutting adjacent residential, etc. The site and building plans must also be in compliance with the previously approved permit, its conditions and plan requirements.

7. Public and private elementary and secondary schools, including charter schools.

(2) *Procedure.*

(a) Administrative Site Plan Review may be combined with the established building permit process when applicable. The City Manager may impose conditions on the approval to implement the intent of this chapter.

(b) Administrative approval, including all applicable conditions and requirements may be made either in writing separately or attached to the submitted plans. The applicant must fulfill all applicable conditions of the approval prior to the issuance of any permits.

(E) *Evaluation criteria.* The city must evaluate the effects of the proposed site plans. This review may be based upon, but not be limited to, the following criteria:

(1) Consistency with the Comprehensive Plan, the City Code, and this chapter.

(2) Enhancement of the site to create a meaningful and harmonious development.

(3) Creation of a functional and harmonious design for structures and site features, with special attention to the following principals:

(a) A functional relationship of the building(s) on the site to its intended use(s); accessory site improvements, public street and sidewalks, and adjacent uses and structures.

(b) The provision of a desirable environment through building and site design for occupants, visitors and the general community.

(c) A balance of open space and landscaping with site intensity, building height and parking requirements.

(d) The utilization of building materials, textures, colors, and construction details as an expression of design concept and quality.

(e) The functional internal design of vehicular and pedestrian circulation, location of access points to public streets, design of parking areas incorporating landscape elements, and separation of pedestrian and vehicular circulation movements.

(f) The use of landscape design and materials to augment significant native species existing on the site, create an aesthetically pleasing environment, and a sense of character between site elements.

(g) The design of site elements to adequately provide for drainage resulting from development, mitigation of off-site impacts from the development, mitigation of impacts from adjacent property such as noise, poor air quality, and unsightliness.

(4) The height, scale and massing of new buildings and structures should complement similar buildings within the same zoning district in which the application is made.

(F) *Conformance to the Approved Site Plan Review.* All developments must remain in continual conformance with the approved Site Plan Review until or unless amended in compliance with this chapter.

(Ord. 2000-936; Am. Ord. 2003-997, passed 5-12-03; Am. Ord. 2003-997, passed 5-12-03; Am. Ord. 2007-1070, passed 3-26-07)

§ 152.034 VARIANCE.

(A) *Purpose.* The purpose of a variance is to provide for deviations from the requirements of this chapter including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the requirements of this chapter.

(B) *Review Standards.* **PRACTICAL DIFFICULTIES**, as used in connection with the granting of a variance, means:

(1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

(2) The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

(3) Granting of the variance will not alter the essential character of the area or neighborhood where the property is located.

(4) Economic considerations alone do not constitute practical difficulties.

(5) There is inadequate access to direct sunlight for a solar energy system.

(C) *Procedure.* The procedures for application and public hearing of a variance request is described in § 152.031.

(D) *Conditions.* The Board of Appeals and Adjustments or the City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No building permit may be issued except in compliance with the conditions of the variance.

(Ord. 2000-936; Am. Ord. 2011-1131, passed 10-24-11)

§ 152.035 CONDITIONAL USE PERMIT.

(A) *Purpose.* The purpose of a Conditional Use Permit is to allow the city discretion in permitting certain uses in particular zoning districts that may be compatible with uses in the district or perceived public needs under certain circumstances. The use must comply with all standards of this chapter and any additional conditions imposed for specific instances to protect the public health, safety or welfare.

(B) *Qualifications.* Only the specific uses classified as conditional in the zoning district where the property is located may qualify for a Conditional Use Permit.

(C) *Procedures.* The procedures for application and public hearing of a Conditional Use Permit are described in § 152.031.

(D) *Review Standards.* The request may address the following factors, although the City Council, the Planning Commission, and city staff has the authority to request additional information from the applicant concerning operational factors pertaining to the proposed use or to retain experts with the consent and at the expense of the applicant concerning operational factors, when necessary to establish performance conditions to effect the intent of this chapter.

(1) *Comprehensive Plan.* Compliance with the Comprehensive Plan, public facilities and capital improvement plans, and all sections of the City Code.

(2) *Traffic.* The generation and characteristics of the traffic associated with the use and its impact on the traffic volumes of and safety associated with driveway location on adjacent roads, sidewalks and trail connections.

(3) *Parking.* The characteristics of the parking area of the use, including the number and design of parking spaces, landscaping, traffic circulation, drainage, and lighting. The city may require additional parking above that required in §§ 152.140 through 152.146.

(4) *City services.* The provision of adequate public facilities and services to the site where the use is proposed and the ability of the existing infrastructure to absorb the additional demand for city services.

(5) *Screening and landscaping.* The ability to screen and buffer incompatible off-site impacts of the proposed use on adjacent property and the surrounding neighborhood. The city may require additional landscaping or screening above that required in the specific zoning district.

(6) *Architectural standards.* The degree that the site or building associated with the proposed use meets or exceed the architectural design and landscaping standards for the district in which it is located. The city may require additional architectural standards above those required in the specific zoning district.

(7) *Other sections of the city code.* The applicant may be required to submit additional information demonstrating that the development is able to comply with any other applicable section of this chapter or the city code.

(E) *Conditions.* The Planning Commission may recommend and the City Council may impose conditions to the approval of a Conditional Use Permit. No building or grading permit can be issued except in compliance with the conditions of the Conditional Use Permit.

(F) *Duration.* The Conditional Use Permit remains with the property as long as the property and use are in compliance with the conditions attached to the permit by the City Council. A Conditional Use Permit expires if the use has been discontinued for more than 364 consecutive days from the date that the use ceased or the business owner fails to meet the certification requirement of the Conditional Use Permit. The revocation of the Conditional Use Permit may be recorded with the county by the city.

(G) *Certification.* Upon request by the City Manager, the holder of a Conditional Use Permit certifies that the use, building, and site are in conformance with the Conditional Use Permit and city codes, in conjunction with §§ 152.050 through 152.055. The City Manager may maintain copies of the city policy concerning certification.

(H) *Revocation.* If the holder of the permit fails to comply with any of the terms imposed by the Conditional Use Permit, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit, in accordance with the following terms:

(1) *Procedure.* The imposition of any penalty may be preceded by (the notices contained in subdivisions (a) and (c) hereof may be combined):

(a) Written notice of the holder's alleged violation.

(b) The opportunity to cure the violation during a period not to exceed 30 days following receipt of the written notice.

(c) A hearing before the City Council at least 15 days after sending written notice of the hearing. The hearing

provides the holder with an opportunity to show cause why the permit should not be subject to discipline.

(2) *Exigent circumstances.* If the city finds that exigent circumstances exist requiring immediate permit revocation, the city may revoke the permit and provides a post revocation hearing before the City Council not more than 15 days after holder's receipt of written notice of the hearing. Following such hearing, the City Council may sustain or rescind the revocation, or may impose such other and further discipline as it deems appropriate.

(3) *Record.* Any decision to impose a penalty or other discipline must be in writing and supported by substantial evidence contained in a written record.

(I) *Amendment.* Holders of a Conditional Use Permit may propose amendments to the approved permit at any time, subject to the procedures of § 152.031, except where administrative Site Plan Review may be granted as outlined in § 152.033. No significant changes in the circumstances or scope of the use may be undertaken without the approval of those amendments by the city. Significant changes include, but are not limited to, hours of operation, number of employees, expansion of buildings, structures and/or premises, different and/or additional signage, and operation modifications resulting in increased external activities and traffic, and the like. The City Manager must determine what constitutes significant change. The City Council may approve significant changes and modifications to Conditional Use Permits, including the application of new or revised conditions.

(Ord. 2000-936)

§ 152.036 ZONING ORDINANCE TEXT AND MAP AMENDMENTS.

(A) *Purpose.* This section specifies the procedures for amendments to the text of this chapter or the associated official zoning map.

(B) *Initiation.* An amendment to the text of this chapter or change in the boundaries or designations in the official zoning map may be initiated by a simple majority of the City Council or Planning Commission. Any person owning property within the city, or their designated agent, may initiate an application to amend the district boundaries or designation on the official zoning map for property in which they have a real estate interest.

(C) *Procedures.* The procedures for application and public hearing of zoning amendment applications are described in § 152.031.

(D) *Effective date.* Any amendment to this chapter adopted by the City Council may be effective 30 calendar days after its publication or at such later date as may be specified in the amendment.

(Ord. 2000-936)

§ 152.037 ZONING OVERLAYS.

(A) *Purpose.* Special zoning overlays are intended to implement development in accordance with the special circumstances affecting a property or an area.

(B) *Procedures.* The procedures for application and public hearing of special zoning overlays are described in § 152.031 and as modified in §§ 152.490 through 152.494. Exceptions to these procedures and performance standards may be described in the specific overlay requirements.

(Ord. 2000-936)

§ 152.038 APPLICATIONS FOR DEVELOPMENT IN PLANNED COMMUNITY DEVELOPMENT DISTRICT, CONCEPT PLANS, REGULATING PLANS, AND DEVELOPMENT PLANS

~~(A) *Purpose.* The purpose of this district is to encourage, preserve and improve the public health, safety and general welfare that is in compliance with the general intent of the Comprehensive Plan or any applicable area plans. This section is to establish procedures, and regulations for the adoption and enforcement of concept, regulating and development plans consistent with the requirements of this chapter. These procedures are established to promote high quality development to ensure the long-term stability of mixed uses and enhance the built and natural environment within the city as new development and redevelopment activities occur. The specific goals of these plans are:~~

~~(1) To ensure the application of quality design principles within new and redevelopment projects.~~

~~(2) To ensure the active participation and review of site plans by the affected public.~~

~~(3) To mitigate to the extent possible, the impact of one development upon another.~~

~~(A) (4) To ensure new developments contain elements of internal and external cohesiveness to promote good neighborhood atmosphere.~~

~~(B) *Procedures.* All requests for concept, regulating, or development plan approval must include the following items:~~

~~(1) Grading plan, including drainage and storm water management plans.~~

~~(2) Utility plan.~~

~~(3) Landscaping plan.~~

~~(4) Placement of buildings, parking lots, driveways, pedestrian connections, drainage areas, and amenities.~~

6.3D DRAFT ORDINANCE - PROCEDURES

(5) Public rights-of-way.

(6) Illustrative architectural designs. This plan will show the general architectural style or parameters in which all buildings within the plan will follow.

(7) Sign plan. This plan will articulate the location of all monument and directional signage, as well as a calculation of the maximum signage on the proposed structures.

(8) Additional information as required by the zoning district in which the development will occur.

(9) A narrative containing the following information:

(a) Anticipated mix of uses and approximate area/ number of each use.

(b) Anticipated completion schedule.

(B) (C) Environmental review may be necessary as required by Minnesota Rules Chapter 44110. The environmental review and development plan review process may run concurrently with each other, provided that final approval of the plan does not precede the City Council's approval of the environmental review.

(4) (D) In addition to the other application materials, the applicant provides a general plan of development, consisting, at a minimum, of the components specified in the district provisions and those required for a Conditional Use Permit in compliance with § 152.035. The city has the right to approve, ~~negotiate~~, or refuse items in the application.

(E) Amendments and revocation must follow the procedures for Site Plan Review and revocations as outlined in § 152.033.

(2) (F) Duration. A concept, regulating or development plan is in effect for five years from the date of approval.

(Ord. 2000-936)

§ 152.039 REQUIRED INFORMATION FOR APPLICATIONS.

The City Manager must maintain copies of city policy concerning the information required for all applications.

(Ord. 2000-936)

§ 150.25 R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 AND R-4A RESIDENTIAL DISTRICTS AND AREAS GUIDED FOR LOW- AND MEDIUM-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.

The following provisions concern signs in the R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 and R-4A Residential Districts and area guided for low- and medium-density residential in the Planned Community Development District and Planned Unit Development District, and said signs are regulated according to the requirements set forth below:

(A) *Identification signs (name plate).* One free-standing or wall sign/name plate per dwelling unit, not greater than two square feet in area, indicating the name and/or address of the occupant. A sign must not be constructed so as to have more than two surfaces.

(B) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign per street frontage. Such sign must not exceed 60 square feet in area.

(C) *Residential development signs.* These signs shall be reviewed and approved as part of a preliminary plat, site plan review, conditional use permit, or development plan application. Sign area shall be determined by the text copy area only and be limited to 60 square feet per structure face.

(D) *Home occupation signs.* One non-illuminated sign with a maximum square footage of two feet for each dwelling unit wherein a permitted home occupation exists.

(E) *Minimum setbacks.* A sign must not be erected in the public right-of-way. For divisions (A) and (B) of this section, signs must be set back at least 15 feet from front property lines, at least ten feet from side and rear property lines and at least 15 feet from the property lines of corner lots. For division (C) signs, no setback is required. For division (D) of this section, signs must be set back at least 20 feet from front property lines. All signs must allow for an unobstructed view of traffic at intersections of streets or driveways.

(F) *Maximum height of signs.* For signs described in divisions (A) and (D) of this section, no sign may exceed six feet above grade. For signs described in divisions (B) and (C) of this section, no sign may exceed ten feet above grade.

(G) *Residential development signs.* Signs must be constructed of durable materials. Residential development signs may be placed in median islands, roundabouts, or cul-de-sac islands provided that the island is a separate platted lot privately owned and maintained by a homeowners association, management company, or the like, and approved through the preliminary plat, site plan review, or conditional use permit application.

('72 Code, § 356.30(1)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03) Penalty, see § 10.99

§ 150.26 R-5, R-6 AND R-7 MULTIPLE RESIDENTIAL DISTRICTS AND AREAS GUIDED FOR HIGH-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.

The following sections concern signs in the R-5, R-6, and R-7 Multiple Residential Districts and areas guided for high-density residential development in the Planned Community Development District and Planned Unit Development District, and said signs are regulated according to the requirements set forth below:

(A) *Identification signs (name plate).* One wall sign/name plate per institution or multiple residential building, not to exceed six square feet in area, or one wall sign/name plate per dwelling unit where separate entrances occur, not to exceed two square feet in area.

(B) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign per street frontage, not to exceed 60 square feet in area.

(C) *Residential development signs.* These signs shall be reviewed and approved as part of a preliminary plat, site plan review, conditional use permit, or development plan application. Sign area shall be determined by the text copy area only and be limited to 60 square feet per structure face.

(D) *Minimum setbacks.* For division (B) of this section, monument signs must be set back at least 15 feet from front property lines and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections. All signs must allow for an unobstructed view of traffic at intersections of streets or driveways.

(E) *Maximum height of signs.* For division (B) of this section, no sign may exceed eight feet above grade. For division (C) of this section, no sign may exceed ten feet above grade.

(F) *Residential development signs.* Signs must be constructed of durable materials. Residential development signs may be placed in median islands, roundabouts, or cul-de-sac islands provided that the island is a separate platted lot privately owned and maintained by a homeowners association, management company, or the like, and approved through the preliminary plat, site plan review, or conditional use permit application.

('72 Code, § 356.30(2)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-69, passed 5-11-92; Am. Ord. 2003-1002, passed 8-25-03) Penalty, see § 10.99

§ 150.27 B-1 OFFICE PARK DISTRICT.

The following sections concern signs in the B-1 Office Park District, and said signs are regulated according to the requirements set forth below:

(A) In B-1 Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivision (2) and (3) below, or in subdivisions (2) and (4) below, or in subdivision (5) unless modified by a planned unit development.

(1) *Free-standing or monument sign.* One free-standing sign, not to exceed 75 square feet in area, or one monument sign not to exceed 120 square feet.

(2) *Area identification sign.* One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 100 square feet in area.

(3) *Wall signs.* One and two story, single or multiple tenant buildings: Signs attached to two walls, immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) *Wall signs.* Multiple story buildings (three or more stories).

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall not to exceed ten percent of the building facade to which it is attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) *Three wall signs.* Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.

(B) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) *Minimum setbacks.* Free-standing signs must be set back at least 25 feet from the front property line and at least ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines, and all free-standing signs must be set back at least 25 feet from all front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(D) *Maximum height of signs.* Signs described in divisions (A)(1), (A)(2) and (B) of this section may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs.

(E) *Minimum height of signs.* Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(3)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT.

The following sections concern signs in the B-2 Neighborhood Retail Business District and in the B-3 General Business District, and said signs are regulated according to the requirements set forth below:

(A) In B-2 and B-3 Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or (5) below, unless modified by a planned unit development.

(1) *Free-standing or monument sign.* One free-standing sign not to exceed 100 square feet in area, or one monument sign not to exceed 120 square feet in area.

(2) *Area identification sign.* One free-standing or monument per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) *Wall signs.* One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) *Wall signs.* Multiple story buildings (three or more stories):

(a) *Identification signs:* One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) *Three wall signs.* Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.

(B) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) *Minimum setbacks.* Free-standing signs must be set back at least 25 feet from the front property line and at least ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines, and all free-standing signs must be set back at least 25 feet from all front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(D) *Maximum height of signs.* Signs described in division (A)(1), (A)(2) and (B) of this section may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs.

(E) *Minimum height of signs.* Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(4)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS.

The following sections concern signs in the BP Business Park District and I General Industrial District, and said signs are regulated according to the requirements set forth below:

(A) In BP and I Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or subdivision (5) below unless modified by a planned unit development.

(1) *Free-standing or monument sign.* One free-standing sign, not to exceed 100 square feet in area, or one monument sign not to exceed 120 square feet.

(2) *Area identification sign.* One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 220 square feet in area.

(3) *Wall signs.* One and two story buildings, single or multiple tenant buildings: Signs attached to two walls, not to exceed ten percent of the building facades to which the signs are attached.

(4) *Wall signs.* Multiple story buildings (three or more stories).

(a) *Identification signs:* One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall not to exceed ten percent of the building facade to which it is attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) *Three wall signs.* Wall signs are allowed on only three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this section.

(B) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign and/or reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) *Minimum setbacks.* For subdivisions (A)(1) and (A)(2) of this section, free-standing signs must be set back 25 feet from the front property line and ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property lines and ten feet from side and rear property lines. For division (B) of this section, signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all free-standing signs must be set back at least 30 feet from all property lines, and all monument signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a

(D) *Maximum height of signs.* For signs described in subdivisions (A)(1) and (A)(2) of this section, signs may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs. For signs described in division (B) of this section, no sign may exceed 15 feet above grade.

(E) *Minimum height of signs.* Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

(F) *Billboard signs.* Billboard signs are allowed in the I District by conditional use permit as provided by the city zoning ordinance. A billboard sign must be the principal use on the lot on which it is located. The lot must meet the minimum lot requirements for the I District in accordance with the zoning code. A billboard must not be erected within 300 feet of any Residential District. A billboard must not be located within a 1,320 foot radius of an existing or approved billboard. A billboard must not be located in the T.H. 610 Corridor or Highway Overlay area as delineated in the T.H. 610 Corridor Plan and the zoning code.

(1) *Sign area.* Billboard signs must not exceed one square foot of sign area for each lineal foot of street frontage nor may sign area exceed 300 square feet on any side. On corner lots or lots with more than one street frontage, only one street frontage will be considered in determining the sign area. Signs must have no more than two sides.

(2) *Minimum setbacks.* Billboard signs must be set back at least 50 feet from front and rear property lines and at least 25 feet from side property lines.

(3) *Maximum height of signs.* Billboard signs may not exceed 25 feet above grade.

(4) *Minimum height of signs.* Billboard signs must have a minimum height of 12 feet from grade to the bottom of the sign.

(5) *Sign illumination.* Billboard sign illumination must meet the requirements of § 150.03 of this chapter.

('72 Code, § 356.30(5)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1994-766, passed 9-12-94; Am. Ord. 1999-914, passed 11- -99; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2010-1117, passed 9-7-10; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.30 PCDD PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PUD PLANNED UNIT DEVELOPMENT DISTRICT.

The following sections concern signs in the PCDD Planned Community Development District, and the PUD Planned Unit Development District, and said signs are regulated according to the requirements set forth below:

(A) In the PCDD or PUD Districts, a property used for single-family, two-family, residential townhouse or apartment use may erect only signs as allowed by § 150.25 and § 150.26 of this chapter, as established for Residential Districts.

(B) In PCDD and PUD Districts, a property used for other than single-family, two-family, residential townhouse or apartment use may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or in subdivision (5) below unless modified by a General Plan of Development or a planned unit development.

(1) *Monument sign.* One monument sign, not to exceed 120 square feet in area.

(2) *Area identification sign.* One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 220 square feet in area.

(3) *Wall signs.* One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) *Wall signs.* Multiple story buildings (three or more stories):

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) *Three wall signs.* Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.

(C) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign and/or reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(D) *Minimum setbacks.*

(1) For subdivision (B)(1) of this section, monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. For subdivision (B)(2) of this section, free-standing signs must be set back at least 30 feet from all property lines, and monument signs must be set back at least 15 feet from all property lines. For division (C) of this section, signs must be set back at least 15 feet from front property line and at least ten feet from side and rear property lines.

(2) On corner lots, all free-standing signs must be set back at least 30 feet from all property lines, and all monument signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(E) *Maximum height of signs.* For signs described in subdivision (B)(1) of this section, no sign may exceed 15 feet above grade. For signs described in subdivision (B)(2) of this section, no free-standing sign may exceed 25 feet above grade and no monument sign may exceed 15 feet above grade. For signs described in division (C) of this section, no sign may exceed 15 feet above grade.

(F) *Minimum height of signs.* Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(6)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.31 PI PUBLIC INSTITUTIONAL DISTRICT.

The following sections concern signs in the PI Public Institutional District, and said signs are regulated according to the requirements set forth below:

(A) In PI Districts, a property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or subdivision (5) below unless modified by a conditional use permit.

(1) *Free-standing or monument sign.* One freestanding sign, not to exceed 50 square feet in area, or one monument sign not to exceed 120 square feet.

(2) *Area identification sign.* One free-standing sign or monument sign per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) *Wall signs.* One and two story, single or multiple tenant buildings: Signs attached to one wall not to exceed ten percent of the building facade to which the signs are attached.

(4) *Wall signs.* Multiple story buildings (three or more stories):

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) *Two wall signs.* Wall signs are allowed on only two walls. The wall signs on each wall must individually conform to the area limitations, defined in subdivisions (3) or (4) of this division.

(B) *Minimum setbacks.* For subdivisions (A)(1) and (A)(2) of this section, all signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(C) *Maximum height of signs.* For signs described in subdivision (A)(1) of this section, no sign may exceed 20 feet above grade. For signs described in subdivision (A)(2) of this section, no sign may exceed 25 feet above grade.

(D) *Minimum height of signs.* Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(7)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.32 HIGHWAY OVERLAY.

The following provisions concern signs in the Highway Overlay area, and the signs are regulated according to the requirements set forth below. In the Highway Overlay, properties may erect only signs described in divisions (A), and (C) below, or in divisions (A) and (D) below, or in divisions (B) and (C) below, or in divisions (B) and (D) or in division (E) below unless modified by a Development Plan.

(A) *Monument sign.* One monument sign, not to exceed 100 square feet in area.

(1) *Minimum setbacks.* Monument signs must be setback at least 15 feet from the property lines adjacent to public

rights-of-way, at least ten feet from side and rear property lines, at least three feet from driveways to the edge of sign, and must maintain a 30-foot clear-view triangle at public street intersections.

(2) *Maximum height of signs.* No sign may exceed 15 feet above grade.

(3) *Design and materials.* Monument bases must be constructed of the same materials as the principal building.

(B) *Area identification sign.* One monument sign per development, as described by § 150.03, not to exceed 220 square feet in area.

(1) *Minimum setbacks.* Signs must be setback at least 15 feet from the property lines adjacent to public rights-of-way, at least ten feet from side and rear property lines, at least three feet from driveways to the edge of sign, and must maintain a 30-foot clear-view triangle at public street intersections.

(2) *Maximum height of signs.* No sign may exceed 15 feet above grade.

(3) *Design and materials.* Monument bases must be constructed of the same materials as the principal building.

(C) *Wall signs.* Signs attached to only one wall, not to exceed 10% of the building facade to which the signs are attached.

(D) *Wall signs.* Multiple story buildings (three or more stories).

(1) *Identification signs -* One identification sign per building facade identifying the name and/or address of the building, not to exceed 10% in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(2) In addition to the identification signs described above, wall signs may be attached to only one wall not to exceed 10% of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(E) *Two wall signs.* Wall signs are allowed on only two walls. The wall signs on each wall must individually conform to the area limitations defined in division (B) above.

(Ord. 1999-914, passed 11- -99)

§ 150.33 TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED USE DISTRICT.

The following sections concern signs in the TOD Transit Oriented Development, and the MU Mixed Use districts, and said signs are regulated according to the requirements set forth below:

(A) In the TOD or MU Districts, a property used for single-family, two-family, residential townhouse or apartment use may erect only signs as allowed by § 150.25 and § 150.26 of this chapter, as established for Residential Districts.

(B) In TOD and MU Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or (5) below, unless modified through the approval of a sign plan at the time of Site Plan Review as approved by City Council.

(1) *Monument sign.* One monument sign not to exceed 120 square feet in area.

(2) *Area identification sign.* One monument per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) *Wall signs.* One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories):

- (a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.
- (b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.
- (5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.
- (C) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.
- (D) Minimum setbacks. Monument signs must be set back at least 1 foot from the front property line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.
- (E) Maximum height of signs. Signs described in division (A)(1), (A)(2) and (B) of this section may not exceed 8 feet above grade for monument signs.

(G)