



**Planning Commission**  
Brooklyn Park Council Chambers  
5200 85<sup>th</sup> Avenue North

Wednesday, November 8, 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.  
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://nwsccl-brooklynpark.granicus.com/ViewPublisher.php?view\\_id=5](https://nwsccl-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](mailto: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](mailto: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.

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- 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](http://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 – October 11, 2023 Regular Meeting**

**6. PUBLIC HEARING**

**6.1 Chansomary Estates – Preliminary Plat #23-117**

Preliminary Plat subdividing a residential property into two residential lots at 7016 Dutton Ave, Brooklyn Park, MN 55428

*Presented by: Erin McDermott*

**6.2 PLUSH, LLC – Conditional Use Permit #23-118**

Conditional Use Permit (CUP) for a Class II Restaurant at 8578 Edinburgh Centre Dr. N., Brooklyn Park, MN 55443

*Presented by: Amber Turnquest*

**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 – October 11, 2023



#### 1. CALL TO ORDER

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

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

Those present were: Commissioners Cavin, Borer, Fraser, Gaye-Bai, Kiekow, Turner, Udomah, and Wako; Planning Director Mogush; and Associate Planner McDermott.

Those arrived late: Council Liaison McGarvey.

Those not present were: Principal Planner Turnquest.

#### 3. EXPLANATION BY CHAIR

#### 4. APPROVAL OF AGENDA

MOTION WAKO, SECOND GAYE-BAI, TO APPROVE THE OCTOBER 11, 2023 AGENDA.

FURTHER DISCUSSION: PLANNING CHAIR CAVIN NOTED THAT ITEM 6.B WILL BE REMOVED FROM THE AGENDA AS THE APPLICANT HAS WITHDRAWN THEIR REQUEST.

*MOTION CARRIED UNANIMOUSLY.*

#### 5. CONSENT AGENDA

##### A. Minutes – September 13, 2023

Commissioner Turner noted that she arrived 12 minutes late to the last meeting.

MOTION GAYE-BAI, SECOND FRASER, TO APPROVE THE OCTOBER 11, 2023 CONSENT AGENDA WITH THE NOTED ADDITION.

*MOTION CARRIED UNANIMOUSLY.*

#### 6. PUBLIC HEARING

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

Associate Planner McDermott introduced the application for a Conditional Use Permit for an auto orientated repair service on the property located at 6317 Welcome Avenue. She reviewed the zoning and adjacent zoning. She noted that the City has received numerous complaints related to parking of vehicles to be repaired at this site on Welcome Avenue and along the private street serving the townhome development to the east. She commented that the west section of Welcome Avenue is posted as no parking. She reviewed the site plan showing the existing conditions. She stated that this location would be an appropriate location for this use and

explained that this CUP would bring the violations into compliance. She stated that comments were received and provided to the Commission related to the parking frustrations. She explained that the CUP would provide more enforcement and methods to deal with issues of noncompliance should that continue.

Commission Chair Cavin opened the public hearing.

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

Commissioner Kiekow acknowledged that this would be an appropriate location for this type of business, but it does not appear the business has been attempting to be a good neighbor. He asked how the City would ensure the applicant complies with the conditions of the CUP and does not continue to be a nuisance.

Associate Planner McDermott commented that the conditions of the CUP have to be complied with and if they are not, the CUP could be brought forward for revocation. She stated that if the CUP is revoked the business would need to stop its operations. She stated that the City works to find a way to bring sites into compliance rather than requiring the business to stop its operations. She stated that the conditions of the CUP would provide the specific conditions that the business needs to comply with and noted that an additional agreement was provided that would allow vehicles parked on-street to be towed.

Kyle Malkerson commented that he is a minority owner of the LLC that owns the property.

Reshal Malik commented that he represents the other owner of the LLC.

Commissioner Kiekow asked the number of businesses that operate within this property.

Mr. Malkerson replied that there are 20 or 22 businesses on the property.

Commissioner Kiekow asked the type of business that the tenants are engaged in.

Mr. Malkerson replied that are auto repair, auto detailers, wholesalers, screen printers, and places for manufacturing items such as chicken houses. He noted that each bay is between 1,200 to 2,700 square feet with their own door, drive in door, and bathroom.

Commissioner Kiekow commented that it seems the issue arising because of the auto repair businesses and asked how those concerns will be addressed.

Mr. Malik commented that they have enforced towing heavily on the property. He stated that in the past two months they have towed 20 to 25 cars. He stated that things are improving, and they are confident that they can operate within the rules.

Commissioner Kiekow commented that the backside of the property appears to be in disarray. He asked what would happen if a tenant does not follow the rules.

Mr. Malik explained the process they would follow with a tenant that could lead to eviction of that tenant.

Commissioner Kiekow noted that violations would be issued to the property owner and not the tenant.

Mr. Malkerson acknowledged that and noted that they have notified some tenants that their lease would not be renewed in order to mitigate these issues.

Commissioner Borer asked if there is not adequate parking for vehicles for the repair businesses which is causing the parking on the street.

Mr. Malkerson acknowledged that concern and explained that they have been working to limit to only one auto repair use per side, noting that there are four angles to the property. He believed that would mitigate some of the parking problems. He stated that as the leases phase out they would accept only one auto repair shop to every eight units, noting that there are 30 units in total.

Commissioner Gaye-Bai commented that he did live on that street and therefore is aware of these issues. He noted that one side of the street is marked no parking and therefore when vehicles park on the other side they often block the townhome driveways.

Mr. Malkerson understood that and noted that they are going to be much more stringent on lease renewals that include the City ordinances.

Commissioner Gaye-Bai commented that the photos provided show that the street can be blocked. He stated that perhaps staff should be added to monitor the parking issue.

Commissioner Wako referenced the photos that show vehicles parked on both sides of the street and referenced the problems that can create for snowplowing in the winter. He asked why those vehicles are parked on the road and the parking that is available on the site.

Mr. Malkerson replied that there are 186 parking stalls, and the majority of those businesses are able to maintain their parking within their leased areas, even for the auto repair businesses. He acknowledged that some of the businesses have accepted too much business and therefore they are working with those businesses to find other locations as they have outgrown that space. He noted that they would be moving forward with limited auto repair uses and focus on those businesses that can follow the rules.

Mr. Malik commented that they have provided lease terminations to two of the auto repair tenants, so those businesses will vacate prior to January 2024.

Commissioner Wako asked if there are vehicles left on the street overnight.

Mr. Malkerson replied that some of those vehicles are left overnight and that is why they are trying to eliminate those tenants. He explained that they want to be a good neighbor and a site that follows the rules rather than creating more work for the City.

Commissioner Udomah commented that his concern is related to safety as this appears to be going on for quite a while. He asked what took so long to address this issue.

Mr. Malkerson commented that this property was purchased in 2021 and they are working hard to improve the site and address tenants that were at the site when they purchased the property.

He noted that some of those tenants were not adhering to the lease terms and/or City Ordinance and therefore they are terminating those leases and trying to relocate those businesses.

Mr. Malik commented that he began with the company in April and once he was aware of this issue, they began to tow vehicles and issue lease termination notices.

Mr. Malkerson commented that the new ownership had the opportunity to address these tenants that were problematic. He noted that they are working to help the businesses find new locations and let their leases expire rather than evicting them as the clients are local residents. He believed that they are working to rebuild the site in a responsible manner.

Commissioner Udomah commented that his issue was with the lax manner in which the ordinance was enforced and would like more reassurance that the business will be a better steward for the area. He understood that business can grow and get busy, which is a good thing, but that cannot inconvenience others in that area. He wanted to ensure that if this were approved, the issues would not continue to happen.

Commissioner Fraser commented that it sounds like the ownership is working to mitigate the challenges, recognizing the concern with parking. She asked about the steps the owners would take to ensure the parking rules are enforced and abided by.

Mr. Malik replied that they will limit the auto uses at the property, reiterating that two of those businesses will be leaving in January 2024. He noted that they have been towing vehicles and would continue to do so. He stated that if businesses continue to violate, they would continue with their enforcement abilities in the lease as well which could lead to eviction and/or legal actions. He noted that these spaces are under market rent which is affordable for people starting their businesses.

Commissioner Fraser asked if that has been communicated to the tenants.

Mr. Malik confirmed that these rules have been communicated to the tenants and they have enforced towing. He stated that the tenants understand that this is not allowed and is not going to continue to happen.

Mr. Malkerson commented that they like to avoid the legal route as that adds cost and does not benefit anyone involved. He stated that this path forward has provided the tenants a month or two additional to find a new space. He stated that they are not going to allow outdoor storage of car parts, damaged cars, or trailers of equipment. He commented that there are good tenants at the property, and they are phasing out the bad apples.

Commissioner Borer asked if the CUP has been in place before.

Associate Planner McDermott replied that in the past there were three parcels under common ownership and a CUP was issued for the property at 6301 to allow auto uses. She stated that over the years the properties have remained under common ownerships and the City previously did not conduct proactive code sweeps and therefore the expansion of auto related uses was not caught. She stated that there were complaints about the parking which led to the no parking posting on one side of the street. She confirmed that this CUP would provide an additional layer

of enforcement. She noted that the applicant has been very responsive in working with City staff and the Police Department to address these issues.

Commissioner Turner stated that as they think about additional enforcement that could occur, perhaps some mitigation strategies could be built to build a relationship with the townhome HOA. She encouraged the applicants to reach out and build a relationship with the HOA.

The applicants confirmed that they would be interested in being a part of that neighborhood committee and would welcome the invitation.

Commissioner Kiekow asked if this could be tabled for three months to allow the applicants to prove they are doing what they say they will do. He noted that they could work to come into compliance and then review the request.

Associate Planner McDermott replied that under the review rules, the City has 60 days to respond to a request. She noted that could be extended by 60 days but they are already on the tail end of that extension window and this needs to move forward with a decision by the City Council prior to December 8<sup>th</sup>.

Commissioner Borer asked how these issues would be addressed if this were to be denied.

Associate Planner McDermott replied that the City would continue its code enforcement process that would require all auto repair operations cease on the northern portion of the site but noted that those businesses could remain in operation at 6301 Welcome.

Commission Chair Cavin appreciated the applicants attempting to be good neighbors and for answering some tough questions tonight.

MOTION FRASER, SECOND WAKO, TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR AN AUTO ORIENTATED REPAIR SERVICE, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

FURTHER DISCUSSION: COMMISSIONER KIEKOW COMMENTED THAT THIS SITE IS ON THE CITY RADAR AND ENCOURAGED THE APPLICANTS TO FOLLOW THROUGH.

COMMISSIONER WAKO REFERENCED THE LETTER FROM RESIDENTS MENTIONING VEHICLES WITHOUT PLATES SITTING ON THE STREET FOR MORE THAN ONE WEEK, PREVENTING TRASH TRUCKS FROM COMING THROUGH. HE HOPED THAT THE APPLICANT WOULD ENSURE THAT DOES NOT HAPPEN AGAIN.

*MOTION CARRIED UNANIMOUSLY.*

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

Item removed from agenda.

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

Planning Director Mogush introduced the request to consider zoning text and map amendment for the 610 corridor development. He reviewed the sequence of events that has led to this point, noting that a key decision will be the minimum intensity of development that would be accepted. He stated that after these regulations are in place and the moratorium expires, they will need to determine how to prioritize proactive development related investment that will help achieve the vision for development not only in this area but in other areas of the city as well. He reviewed the current future land use map to the proposed future land use map. He stated that before the Commission tonight is the map and related zoning changes that go along with the Comprehensive Plan change. He explained that staff used the TOD-G district as a baseline for creating this new district. He reviewed the previous work the group did to review the Comprehensive Plan amendment, which has been approved by the Council as well. He noted that tonight they will review how the zoning code would regulate those development objectives. He explained how the zoning regulations would achieve the goals related to scale. He provided additional details on floor area ratio (FAR) and additional information on the recommended FAR of 1.0. He then explained how the zoning regulations would achieve the goals related to land use and design. He highlighted the key differences between the TOD-G and MU districts.

Commission Chair Cavin opened the public hearing.

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

Commission Chair Cavin commented that throughout this process they have focused on the area of Zane but noted that the Oak Grove Station area was mentioned a lot tonight as well. He asked for clarification on whether these changes would apply to just the Zane area or also to the Oak Grove Station area.

Planning Director Mogush acknowledged that he did mention the TOD-G district quite a bit, but more as a way to show the work that has been done and in comparison. He confirmed that the changes tonight would only apply to the MU district.

Commission Chair Cavin asked if there is any thought to making the entire Oak Grove street from the TOD to this development as a pedestrian friendly, walkable area.

Planning Director Mogush replied that is quite a long distance to require retail along and would worry that the market could not deliver that. He stated that they can be proactive about making changes to the infrastructure to make it comfortable for people to walk from one place to the other.

Commission Chair Cavin stated that perhaps they define the road as a walkable street rather than requiring retail.

Planning Director Mogush replied that the MU district would get to the 610 West Apartments and after that is the area covered by the station plan for Oak Grove.

Commission Chair Cavin referenced the eight-story maximum height, but noted that the packet also states up to 12 stories with a Conditional Use Permit and asked for clarification.

Planning Director Mogush replied that is the standard for the TOD-G district regulations for Oak Grove Station, noting that the MU regulations would be placed in the same section of City Code, but would have a maximum height of eight stories.

Commission Chair Cavin referenced the topic of signage noting that would be addressed in a future staff meeting. He stated that he would love to see the vision for signage once that is developed.

Planning Director Mogush replied that these changes would have some changes to the sign regulations for this district and provided an overview on the sign regulations proposed at this time.

Commission Chair Cavin asked if sustainability is addressed.

Planning Director Mogush commented that there has been a fair amount of work in the zoning code related to sustainability, noting that has been on the side of allowing rather than requiring. He stated that in the future they could consider reasonable requirements related to sustainability. He commented that being more friendly in how they design development for different modes of transportation is part of that.

Scott Bjorke, 6737 99<sup>th</sup> Avenue, asked if there is inclusion to re-lane the Oak Grove and Zane intersection.

Planning Director Mogush commented that the zoning changes themselves regulate the development of new streets but do not directly affect existing streets. He stated that as development proposals come through, City staff will evaluate the proposal against the existing street network and identify if changes need to be made to that network to accommodate the development. He commented that during the interim period between now and when development occurs, staff is open to input from residents as there are issues that could be addressed.

MOTION UDOMAH, SECOND GAYE-BAI, 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 CARRIED UNANIMOUSLY.*

MOTION UDOMAH, SECOND TURNER, 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.

*MOTION CARRIED UNANIMOUSLY.*

## **7. OTHER BUSINESS**

Commission Chair Cavin commented that he has been thinking about edible gardens/landscaping and stated that perhaps fruit trees could be allowed as part of landscaping.

Planning Director Mogush confirmed that could be part of the broader zoning code review that they are in the process of and would be related to sustainability.

Commissioner Udomah commented that in the west district there is a noticeable lack of sidewalks. He asked if the City is considering that issue.

Planning Director Mogush confirmed that is something that needs to be addressed, noting that the City has a bicycle and pedestrian master plan. He commented that there is not currently a dedicated funding source for those improvements and therefore staff works to secure outside grant funding to build out that system. He commented that they could review that plan in a future worksession.

## **8. DISCUSSION ITEMS**

No comments.

## **9. INFORMATION ITEMS**

### **A. Council Comments**

Council Liaison McGarvey provided an update on recent Council actions related to planning cases.

### **B. Commission comments**

No comments.

### **C. Staff Comments**

Planning Director Mogush welcomed a new member of the planning team.

## **10. ADJOURNMENT**

Commission Chair Cavin adjourned the meeting at 8:36 PM.

Respectfully submitted,

Paul Mogush  
Planning Director

# City of Brooklyn Park Planning Commission Staff Report

<b>Agenda Item:</b>	6.1	<b>Meeting Date:</b>	November 8, 2023
<b>Agenda Section:</b>	Public Hearing	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Erin McDermott, Associate Planner
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	4	<b>Presented By:</b>	Erin McDermott, Associate Planner
<b>Item:</b>	<b>Chansomary Estates</b> – Plat #23-117 for the subdivision of property into two single family lots at 7016 Dutton Ave.		

## Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO RECOMMEND APPROVAL OF PRELIMINARY PLAT OF “CHANSOMARY ESTATES” SUBDIVIDING 7016 DUTTON AVENUE INTO TWO SINGLE FAMILY LOTS, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

## Overview:

The property owner of 7016 Dutton Ave is requesting to subdivide this property into two residential lots for the construction of two residential structures in an existing residential neighborhood. This property has been vacant since 2013. This property is abutted by three city streets, Dutton Avenue to the south, Lakeland Avenue to the west, and Kentucky Avenue to the north. Kentucky Avenue is a gravel road.

## Previous Approvals

This lot was created with the approval of the plat titled Bursch’s First Addition in 1952.

## Current Conditions

The subject property is 0.76 acres. There is no house on this property currently, as the previous residence on this property was demolished in 2013 with assistance of the Brooklyn Park Fire Department. There are two existing sheds that were installed by the previous owner of the property. These sheds are 6 feet 4 inches from the property line according to the survey and meet required setbacks for residential accessory structures.

Future Land Use Plan	Low Density Residential
Current Zoning	R-3 Detached Single Family Residential
Proposed Zoning	R-3 Detached Single Family Residential
Neighborhood	Lakeland Park
Site Area	0.76 acres
<b>Conforms to:</b>	
Land Use Plan	Yes
Zoning Code	Yes
Notification	41 Public Hearing Notices mailed Posted in the Sun Post Neighborhood email sent to Lakeland Park neighborhood
Timeline (MN §15.99)	
60-day	December 1, 2023
120-day	January 30, 2024

## **Lots and Density**

The property is zoned R3 – Detached Single Family Residential District. The proposed plat meets all zoning requirements established for the R3 zoning district (152.221.01) as well as all setback requirements as shown by the setback lines marked on the proposed preliminary plat.

The Comprehensive Plan guides this area for low density residential uses (up to 3 units per acre). The subject property is 0.76 acres, with proposed Lot 1 at 0.45 acres and Lot 2 at 0.31 acres for an average density of 0.38 acres per lot, which exceeds the requirement of 0.33 acres.

## **Access**

This site is adjacent to Dutton Ave, Lakeland Ave, and Kentucky Ave. The proposed plat indicates the access to both lots will be from Dutton Ave.

## **Utilities**

Utilities are available to this site, as a house previously existed on this property.

## **Storm Water Management**

Storm water management will be through storm sewer and swales installed in the rear yards. The storm sewer will be located within the same drainage and utility easement as the sanitary sewer line noted previously.

## **Pedestrian Connections**

There are no existing sidewalks in this neighborhood. City Code 152.131 outlines required locations for sidewalks, including traffic volumes exceeding 1,000 trips per day, a roadway connecting a neighborhood to a commercial area, park, school, religious institution or other community-oriented facility, along any street in a business district, or a multi-family, office, commercial or industrial use that is expected to generate pedestrian traffic. While this property is adjacent to a park, in context of the neighborhood it would not make sense to require a partial sidewalk on only two properties in an area unlikely to be redeveloped, leaving a partial sidewalk indefinitely.

## **Park Dedication**

Land dedication in this instance would not conform to Chapter 7: Parks and Trails of the 2040 Comprehensive Plan, and as such a fee in lieu is requested with this plat. The proposed plat creates two single family lots from one existing lot, the fee in lieu established for residential properties is \$4,600 per newly created lot, for a total of \$4,600 due for this subdivision. The money collected is deposited into the Open Space Land Acquisition and Development (OSLAD) fund which is only used for purchase of new parkland and the development of the parks. It cannot be used for programming, maintenance, or administration costs by state law. The nearest neighborhood park is Lakeland Park, located northeast of the property.

## **Final Plat**

The final plat and title commitment will be reviewed by the City Attorney's office in the future as the normal course of review. All necessary revisions to the plat as required by this review must be made prior to the request for Council action on the final plat.

## **Staff Recommendation:**

Staff recommends approval of the preliminary plat.

**Budgetary/Fiscal Issues:** N/A

**Alternatives to consider:**

1. Approve the plat as presented.
2. Approve the plat with modifications.
3. Deny the plat based on certain findings.

**Attachments:**

- 6.1A DRAFT RESOLUTION
- 6.1B LOCATION MAP
- 6.1C PLANS

RESOLUTION #2023-\_\_\_\_

RESOLUTION APPROVING PRELIMINARY PLAT FOR  
"CHANSOMARY ESTATES"  
SUBDIVIDING 7016 DUTTON AVENUE INTO TWO SINGLE FAMILY LOTS

Planning Commission File #23-117

WHEREAS, the plat of "Chansomary Estates" has been submitted in the manner required for platting of land under the Brooklyn Park Zoning and Subdivision Codes and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder on properties currently legally described as:

*Lot 11, Block 1, Bursch's First Addition, Hennepin County, Minnesota*

WHEREAS, said plat is consistent with the Comprehensive Plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Chapters 151 and 152.

WHEREAS, the granting of this plat will not be detrimental to the public welfare nor injurious to the other property in the neighborhood, and

WHEREAS, the granting of this plat will not have an adverse effect upon traffic and traffic safety or pedestrians and pedestrian safety, and

WHEREAS, the proposed subdivision meets the minimum requirements of the Low Density Residential designation of the Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Preliminary Plat Request #23-117 "Chansomary Estates" shall be approved subject to the following conditions:

**1.0 DRAWINGS**

- 1.01 Preliminary plans on file in the City Clerk's office dated 08-29-2023 for two lots upon compliance with the following requirements:

**2.00 BONDS, ESCROWS AND DIRECT PAYMENTS**

- 2.01 Payment of any special assessments on the property.
- 2.02 Payment of park dedication in the amount of \$4,600 for new construction shall be paid prior to recording the final plat.

**3.00 REQUIRED DOCUMENTS**

## 6.1A - DRAFT RESOLUTION

- 3.01 Approval of Title by the City Attorney and all conditions therein.
- 3.02 A final plat showing the correct square footage for each lot area must be submitted prior to recording of the final plat.

### **4.00 GENERAL CONDITIONS**

- 4.01 Issues regarding the title overlap must be resolved prior to final plat approval.

6.1B - LOCATION MAP



**Preliminary Residential Plot Subdivision**  
**Case #23-119 – 7016 Dutton Avenue North**  
Area of Request (August 2023 Air Photo)  
7016 Dutton Avenue North



FIELD BY: SS  
 DRAWN BY: *DR*  
 CHECKED BY: *GRB*  
 I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
 Surveyed this 9th day of August 2023.  
 Signed: *Gregory R. Fesch*  
 Gregory R. Fesch, Registration No. 24992

REVISION SUMMARY	

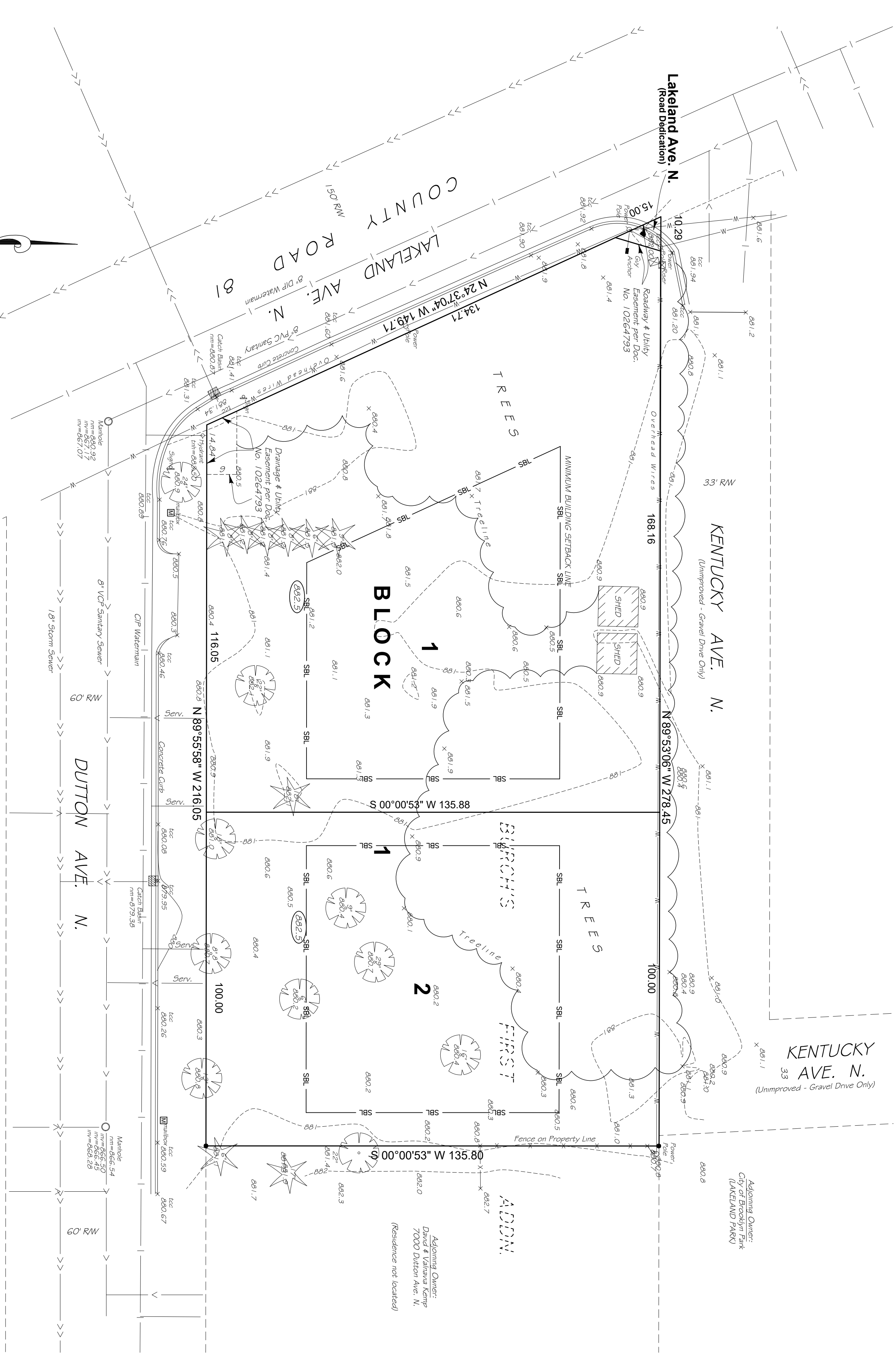
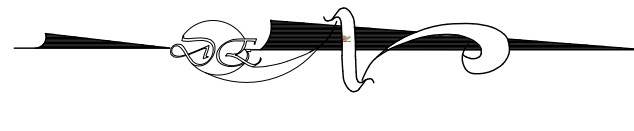
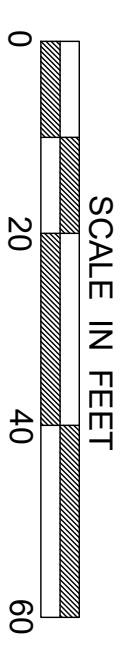
**DEMARC**  
 LAND SURVEYING & ENGINEERING  
 7601 73rd Avenue North  
 Minneapolis, Minnesota 55428  
 (763) 560-3093  
 Demarcinc.com

SURVEY FOR:  
 Chansomary Ya  
 3317 94th Ave. N.  
 Brooklyn Park, MN 55443

TYPE OF SURVEY:  
**EXISTING CONDITIONS SURVEY / PRELIMINARY PLAT**

PRELIMINARY PLAT  
**CHANSOMARY ESTATES**

PROJECT: 90454  
 FB No: \*\*\*\*\*  
 SHEET NO.  
 1 OF 1

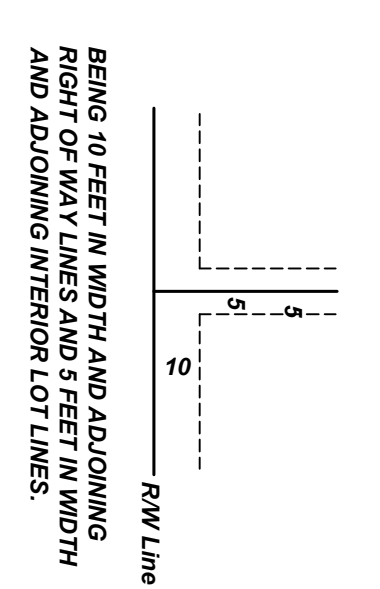


**Zoning & Development Information**

Property Currently Zoned: "R-3" Detached Single Family Residential District  
 Proposed Zoning:  
 Zoning Ordinance Requirements:  
 Building Setbacks (for living space unless otherwise specified)  
 Arterial Street - 50 feet  
 All other Public Streets - 30 feet  
 Side Yard - 10 feet  
 Rear Yard - 30 feet  
 Minimum Lot Size - 10,800 sq.ft  
 Minimum Lot Depth - 90 feet  
 Minimum Lot Depth - Not listed  
 Refer to City code for additional requirements.  
 Note: Minimum building setback requirements are established by City Ordinance. The setback lines are not drawn on any official map for this site. The location of setback lines are subject to legal interpretation and planning consideration. Specific questions regarding City requirements should be directed to the City Planning Dept.

Proposed Number of Lots = 2  
 Area of proposed:  
 Lot 1, Block 1 = 13,947 sq.ft  
 Lot 2, Block 1 = 13,584 sq.ft  
 Right-of-Way Dedication = 70 sq.ft

**Proposed Drainage & Utility Easements will be thus:**

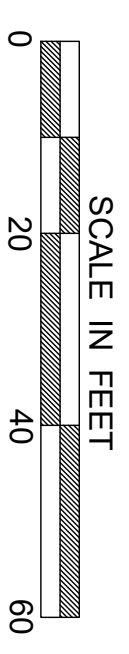
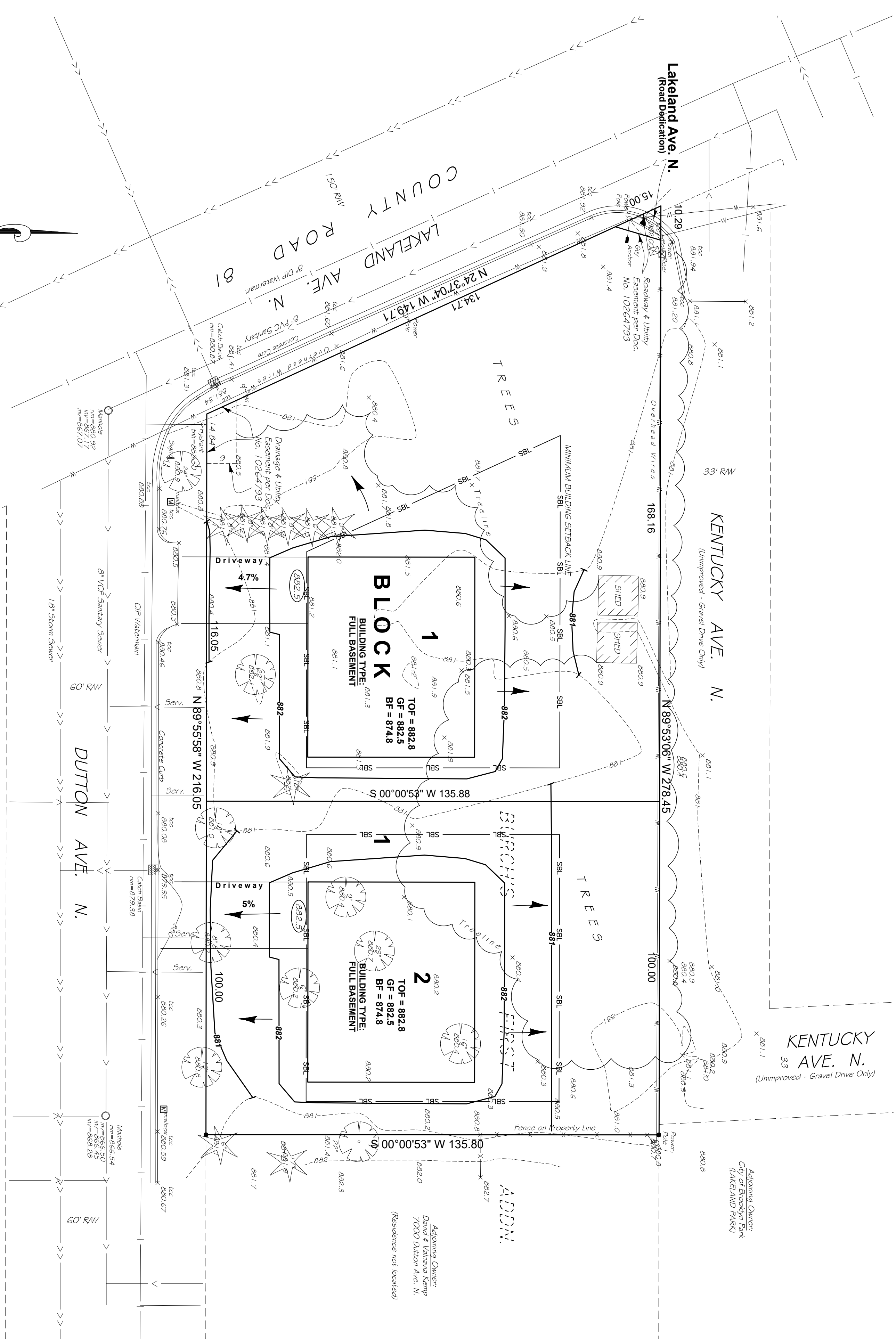


**Miscellaneous Notes**

- Property Address: 7016 Dutton Ave. N., Brooklyn Park, MN 55428  
 PID No.: 32-119-21-13-0021
- Area of Parcel = 33,802 sq. ft.
- By graphic interpretation only, this property is in Flood Zone "X" (area of minimal flooding) per FEMA panel map number 27053C0203F, effective on 11/4/2016
- The insurance commitment showing property description and any encumbrances of record not provided, survey subject to change. The only easements shown are from plats of record or information provided by client.
- Property located in Section 32, Township 119, Range 21, Hennepin County, Minnesota.
- Benchmark: Top nut of hydrant located at the southwest corner of property as shown. Elevation = 883.50 feet
- Underground utility information shown from City of Brooklyn Park's records. Locations shown are only approximate and to call Gopher State One Call prior to any digging. (Dial 811)
- Possible wells located on property. None observed on field visit.

**Legal Description**

Lot 11, BURSCH'S FIRST ADDITION,  
 Hennepin County, Minnesota.



- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hilt Set for examination only
- Denotes Existing Contours
- Denotes Proposed Contours
- Denotes Existing Elevation
- Denotes Proposed Elevation
- Denotes Surface Drainage

FIELD BY: SS  
 DRAWN BY: *[Signature]*  
 CHECKED BY: *[Signature]*  
 GRP: *[Signature]*

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
 Surveyed this 9th day of August 2023.

Signed: *[Signature]*  
 Gregory R. Gustaf, Registration No. 24992

REVISION SUMMARY

**DEMARC**  
 LAND SURVEYING & ENGINEERING  
 7601 73rd Avenue North  
 Minneapolis, Minnesota 55428  
 (763) 560-3093  
 Demarcinc.com

SURVEY FOR:  
 Chansomary Ya  
 3317 94th Ave. N.  
 Brooklyn Park, MN 55443

TYPE OF SURVEY:  
**GRADING PLAN**

PRELIMINARY PLAT  
**CHANSOMARY ESTATES**  
 Lot 11, BURSCHS FIRST ADDITION,  
 Hennepin County, Minnesota.

PROJECT: 90454  
 FB No: \*\*\*\*\*  
 SHEET NO.  
 1 OF 1

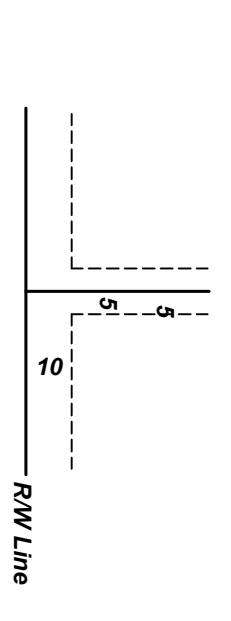
**Zoning & Development Information**

Property Currently Zoned: "R-3" Detached Single Family Residential District  
 Proposed Zoning:  
 Zoning Ordinance Requirements:  
 Building Setbacks (for living space unless otherwise specified)  
 Aerial Street - 50 feet  
 All other Public Streets - 30 feet  
 Side Yard - 10 feet  
 Rear Yard - 30 feet  
 Minimum Lot Size - 10,800 sq.ft  
 Minimum Lot Depth - 80 feet  
 Minimum Lot Depth - Not listed

Refer to City code for additional requirements.  
 Note: Minimum building setback requirements are established by City Ordinance. The setback lines are not drawn on any official map for this site. The location of setback lines are subject to legal interpretation and planning consideration. Specific questions regarding City requirements should be directed to the City Planning Dept.

Proposed Number of Lots = 2  
 Area of proposed:  
 Lot 1, Block 1 = 19,947 sq.ft  
 Lot 2, Block 1 = 13,584 sq.ft  
 Right-of-Way Dedication = 70 sq.ft

**Proposed Drainage & Utility Easements will be thus:**



BEING 10 FEET IN WIDTH AND ADJOINING  
 RIGHT OF WAY LINES AND 5 FEET IN WIDTH  
 AND ADJOINING INTERIOR LOT LINES

**Miscellaneous Notes**

- 1 Property Address: 7016 Dutton Ave. N., Brooklyn Park, MN 55428  
 PID No.: 32-119-21-13-0021
- 2 Area of Parcel = 33,802 sq. ft.
- 3 By graphic interpretation only, this property is in Flood Zone "X" (area of minimal flooding) per FEMA panel map number 27053C0203F, effective on 11/4/2016
- 4 The insurance commitment showing property description and any encumbrances of record not provided, survey subject to change. The only easements shown are from plats of record or information provided by client.
- 5 Property located in Section 32, Township 119, Range 21, Hennepin County, Minnesota.
- 6 Benchmark: Top nut of hydrant located at the southwest corner of property as shown. Elevation = 883.50 feet
- 7 Underground utility information shown from City of Brooklyn Park's records. Locations shown are only approximate and to call Gopher State One Call prior to any digging. (Dial 811)
- 8 Possible wells located on property. None observed on field visit.

**Legal Description**

Lot 11, BURSCHS FIRST ADDITION,  
 Hennepin County, Minnesota.

# City of Brooklyn Park Planning Commission Staff Report

<b>Agenda Item:</b>	6.2	<b>Meeting Date:</b>	November 8, 2023
<b>Agenda Section:</b>	Public Hearing	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Amber Turnquest, Principal Planner
<b>Ordinance:</b>			
<b>Attachments:</b>	3	<b>Presented By:</b>	Amber Turnquest, Principal Planner
<b>Item:</b>	<b>PLUSH, LLC</b> - Conditional Use Permit #23-118 for a Class II restaurant at 8578 Edinburgh Center Drive North.		

## Proposed Actions

MOTION \_\_\_\_\_ SECOND \_\_\_\_\_ TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR A CLASS II RESTAURANT AT 8578 EDINBURGH CENTER DRIVE NORTH, SUBJECT TO CONDITIONS CONTAINED IN THE DRAFT RESOLUTION.

## Summary

The subject property is located at 8578 Edinburgh Centre Drive North and is zoned Planned Community Development District (PCDD). The application is for a Conditional Use Permit (CUP) for a Class II Restaurant. Class II restaurants serve food and are eligible for an intoxicating liquor license without a cover charge. A restaurant had previously operated in the same tenant space. Upon receipt of a liquor license application, staff reviewed the requirements of the Brooklyn Park Zoning Code and determined that a Conditional Use Permit is required to operate a Class II restaurant.

Figure 152.342.01 Uses in Business Districts

<i>Figure 152.342.01 Uses in Business Districts</i>						
<i>"P" = Permitted Use "C" = Conditional Use "NP" = Not Permitted</i>						
<i>Principal Use</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>BP</i>	<i>I</i>
Restaurants, Class II	NP	C	C	C	C	C

The application before the Planning Commission is only for a Conditional Use Permit at this location. An application for and approval of a liquor license is a separate process that is not being considered with this application. The Planning Commission's recommendation will be presented to the City Council for consideration. The intent is for the required public hearing for a liquor license will be held at the same meeting.

## Previous Approvals

The Edinburgh Center II building was constructed in 2004 as a multi-tenant retail building. The property is zoned Planned Community Development District (PCDD), and the use is listed as conditional within Business Districts and is therefore entitled to review under §152.035 (§152.415(C)).

## Current Conditions

The subject property is 2.86 acres and is located north of Edinburgh Centre Drive.

Future Land Use Plan	Community Commercial
Current Zoning	Planned Community Development District (PCDD)
Proposed Zoning	Planned Community Development District (PCDD)
Neighborhood	Edinburgh
Site Area	2.86 Acres

<b>Conforms to:</b>	
Land Use Plan	Yes
Zoning Code	Yes
Notification	Legal notice was published in the Sun Post, Proposed Development Sign placed on the property, A neighborhood email will be sent to the Edinburgh neighborhood, 31 Public Hearing Notices mailed
Timeline (MN §15.99)	
60-day	November 25, 2023
120-day	January 24, 2023

**Land Use/Zoning and Overlay**

The site is zoned Planned Community Development District (PCDD) and is within the Edinburgh neighborhood. The future land use for the property is Community Commercial. There is one property to the north zoned Conservancy District and the surrounding properties are zoned PCDD.

**Conditional Use Permit**

A Class II restaurant is listed as a conditional use in the General Business “B-3” District (§ 152.342.01), which is the zoning district used to evaluate permitted and conditional uses for properties guided Community Commercial within the PCDD. Conditional uses must be reviewed against the standards of the Zoning Code (§ 152.035). The proposed 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 Community Commercial. A Class II restaurant 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.

**Applicant’s Submission:** PLUSH will operate in a strip mall with ample parking and driveways and the required safety protocols. The previous two businesses were restaurants and PLUSH expects the traffic volume to be similar in nature. Further, the hours of the businesses within the strip mall vary, minimizing negative impacts on traffic volume and parking. The strip mall operates, and available parking stalls were constructed in compliance with Brooklyn Park City Code, specifically § 152.142.

**Staff’s response:** City Transportation staff have reviewed the parking and traffic submittals and has determined that no additional conditions are necessary.

**(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.**

**Applicant's Submission:** PLUSH will operate in a strip mall with ample parking and driveways and the required safety protocols. The previous two businesses were restaurants and PLUSH expects the traffic volume to be similar in nature. Further, the hours of the businesses within the strip mall vary, minimizing negative impacts on traffic volume and parking. The strip mall operates, and available parking stalls were constructed in compliance with Brooklyn Park City Code, specifically § 152.142.

**Staff's response:** City Transportation staff have reviewed the parking plan and has determined that no additional conditions are necessary.

- (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.***

**Applicant's Submission:** PLUSH will have restroom facilities and will otherwise operate in compliance with the City's requirements regarding public facilities. Met Council provided a SAC/WAC Determination Letter related to water and sewage use and the existing infrastructure will support demand on city services, similar to the previous two restaurant businesses that operated on the site.

**Staff's response:** Additional demands on City service are not anticipated. Any Met Council requirements must be met.

- (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.***

**Applicant's Submission:** PLUSH does not anticipate additional landscaping or screening. PLUSH will operate in an established strip mall with landscaping and screening as appropriate, and the nature of the business is similar to the previous businesses that operated at the site. However, PLUSH will work with the City should the need for any additional landscaping or screening arise related to the business conducted on site.

PLUSH will be operating within an existing structure and the previous two businesses at the site were similar in nature (restaurants). The existing structure was previously constructed in accordance with the applicable code and PLUSH does not anticipate any additional architectural changes will be necessary. PLUSH will comply with all zoning regulations.

**Staff's response:** The project is proposed in an existing strip mall which meets the requirements of the Zoning Code. Screening and landscaping standards are not applicable to the CUP application.

- (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.***

**Applicant's Submission:** PLUSH does not anticipate additional landscaping or screening. PLUSH will operate in an established strip mall with landscaping and screening as appropriate, and the nature of the business is similar to the previous businesses that

operated at the site. However, PLUSH will work with the City should the need for any additional landscaping or screening arise related to the business conducted on site.

PLUSH will be operating within an existing structure and the previous two businesses at the site were similar in nature (restaurants). The existing structure was previously constructed in accordance with the applicable code and PLUSH does not anticipate any additional architectural changes will be necessary. PLUSH will comply with all zoning regulations.

The applicant submitted architectural plans dated September 12, 2023. Those plans list the total number of occupants, both front and back of house, to 63 persons total.

**Staff's response:** The project is proposed in an existing strip mall which meets the requirements of the Zoning Code. Architectural standards are not applicable to the CUP application.

- (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.***

Existing conditions of the site are consistent with City Code requirements.

Staff finds that the proposal meets the review standards of the Zoning Code, §152.035. Staff recommends approval of the Conditional Use Permit for a Class II restaurant.

### **Conditions of Approval**

Staff recommends the adoption of Resolutions 23-\_\_\_ Approving a Conditional Use Permit for a Class II Restaurant at 8578 Edinburgh Centre Drive with the following conditions:

1. Signage must comply with all requirements of City Code Chapter 150: Signs.
2. This resolution must be recorded with the Hennepin County Recorder's office.
3. Per applicant plans dated September 12, 2023, the occupancy is limited to 63 people, an increase in occupancy will require a new Conditional Use Permit.
4. If the holder of the conditional use permit fails to comply with the terms and conditions of this resolution, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit in accordance with § 152.035(H)(1) of the Municipal Code.

### **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
- B. LOCATION MAP
- C. APPLICANT'S SUBMITTAL

## 6.2A - DRAFT RESOLUTION

RESOLUTION #2023-\_\_\_

### RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CLASS II RESTAURANT AT 8578 EDINBURGH CENTER DRIVE NORTH

Planning Commission File #23-118

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

*Lots 7, 8 and 9, Block 002, Edinburgh Centre, 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 a Class II restaurant on the above-described parcel, subject to the following:

1. Signage must comply with all requirements of City Code Chapter 150: Signs.
2. This resolution must be recorded with the Hennepin County Recorder's office.
3. Per applicant plans dated September 12, 2023, the occupancy is limited to 63 people, an increase in occupancy will require a new Conditional Use Permit.
4. If the holder of the conditional use permit fails to comply with the terms and conditions of this resolution, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit in accordance with § 152.035(H)(1) of the Municipal Code.

This resolution expires one year from the date of approval unless all conditions are met. This resolution must be recorded with the Hennepin County Recorder's office within one year of the date of approval. The approvals can be revoked if not in compliance with the conditions stated above.

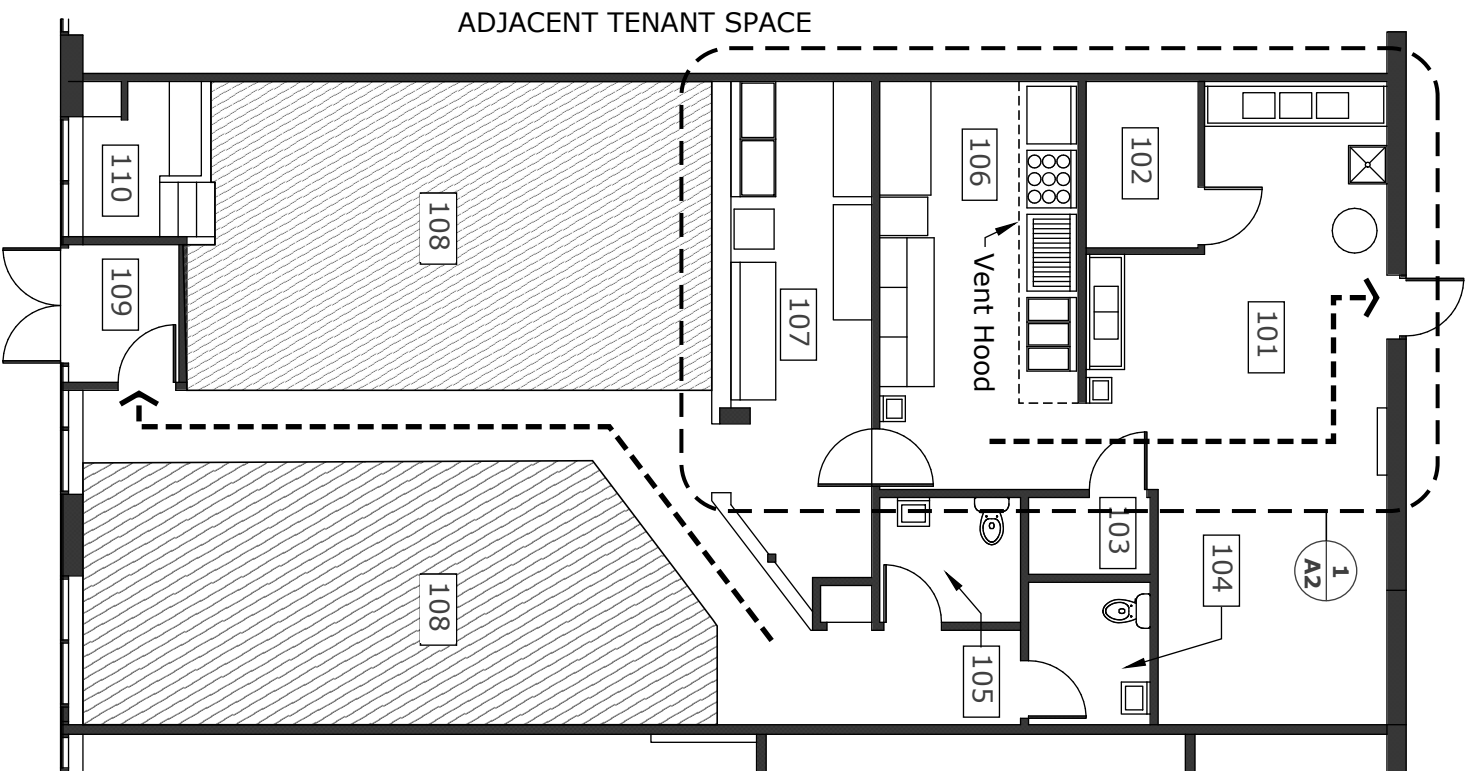
6.2B - LOCATION MAP



**Conditional Use Permit – Class II Restaurant**  
**Case #23-118 – 8578 Edinburgh Center Dr N**  
Area of Request (August 2023 Air Photo)  
8578 Edinburgh Center Dr N



6.2C - APPLICANT'S SUBMITTAL



NR.	USE	AREA	NOTES
101	Food Prep. & Storage	424 SF	Quarry Tile Floor and Base. FRP Walls.
102	Walk-in Freezer	50 SF	Quarry Tile Floor and Base. Insulated Walls.
103	Dry Stor.	26 SF	Quarry Tile Floor and Base. FRP Walls.
104	Toilet	47 SF	Ceramic Tile Floor and Walls up to 48".
105	Toilet	48 SF	Ceramic Tile Floor and Walls up to 48".
106	Kitchen	222 SF	Quarry Tile Floor and Base. FRP Walls.
107	Back Bar	185 SF	Painted Concrete.
108	Dining Tables	857 SF	Painted Concrete.
109	Vestibule	42 SF	Painted Concrete.
110	Audio Equip.	50 SF	Vinyl.



1	Existing Partition Plan at time of site visit	1" = 10' - 0"
A1	Restaurant Space	

2	Project Location	NO SCALE
A1	8576 Edinborough Center Drive	

AJC Architecture

Restaurant Project - 8578 Edinborough Center Drive, Brooklyn Park, MN

CODE ANALYSIS - 2020 MN Building Code.

**Construction Type** - Type II-B - Non-combustible.

**Occupancy** - Occupancy category is A-2 Assembly. Building is approximately 25,000 SF with mixed Business Group B occupancies. Building is fully sprinklered. Table 508.4 One-hour separation required between A and B occupancies. Restaurant space is separated by 1-Hr Fire Rated gyp. bd. walls from adjacent tenants.

**Areas and Occupant Breakdown**

Total Leased Area = 2280 SF.  
 Kitchen / Food Prep. = 646 SF / 200 SF = 4 Occupants  
 Storage / Freezer = 76 SF / 300 SF = 1 Occupant  
 Back Bar = 186 SF / 200 SF = 1 Occupant  
 Dining Seating = 857 SF / 15 SF Net = 57 Occupants

WC and main circulation are considered Accessory uses and not contributing to occupant load.

Total Occupants Front / Back of House = 63 Total.  
 Minimum of 2 exits required. Back of house exits to rear of structure. Front of house dining has principal exit outwards from parking lot. Second exit is route through Kitchen and Food Prep areas which is higher hazard. Recommend either limiting Dining Seating to 49. Or applying for Grandfather status as no substantial changes in configuration of space are being made to the existing restaurant plan.

**Exiting** - Exits = 2, one from front parking lot, second to paved area at rear of structure.

**Sprinkler System** - Structure is equipped with Automatic Sprinkler System. Vent Hood has separate deluge Fire Protection System.

**Finishes** - Finishes through all Food Preparation and Kitchen areas are Tile, FRP, or impervious for sanitation protection.

**PROJECT DESCRIPTION**

Subject project is a Restaurant Business located in leased space in an existing commercial building of about 25,000 SF owned by Dang Properties, LLC of Shakopee, MN. Owner of Tattoo Business is Anthony Thomas.

Building is Type - IIB construction with a steel frame and exposed steel long span roof joists and steel deck. The building is assumed to be fully sprinklered from spaces available for view.

Total Leased Area = 2280 SF. Existing space was previously a restaurant and the Owner plans to leave the existing Kitchen, Food Storage, and Toilet Rooms intact.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.

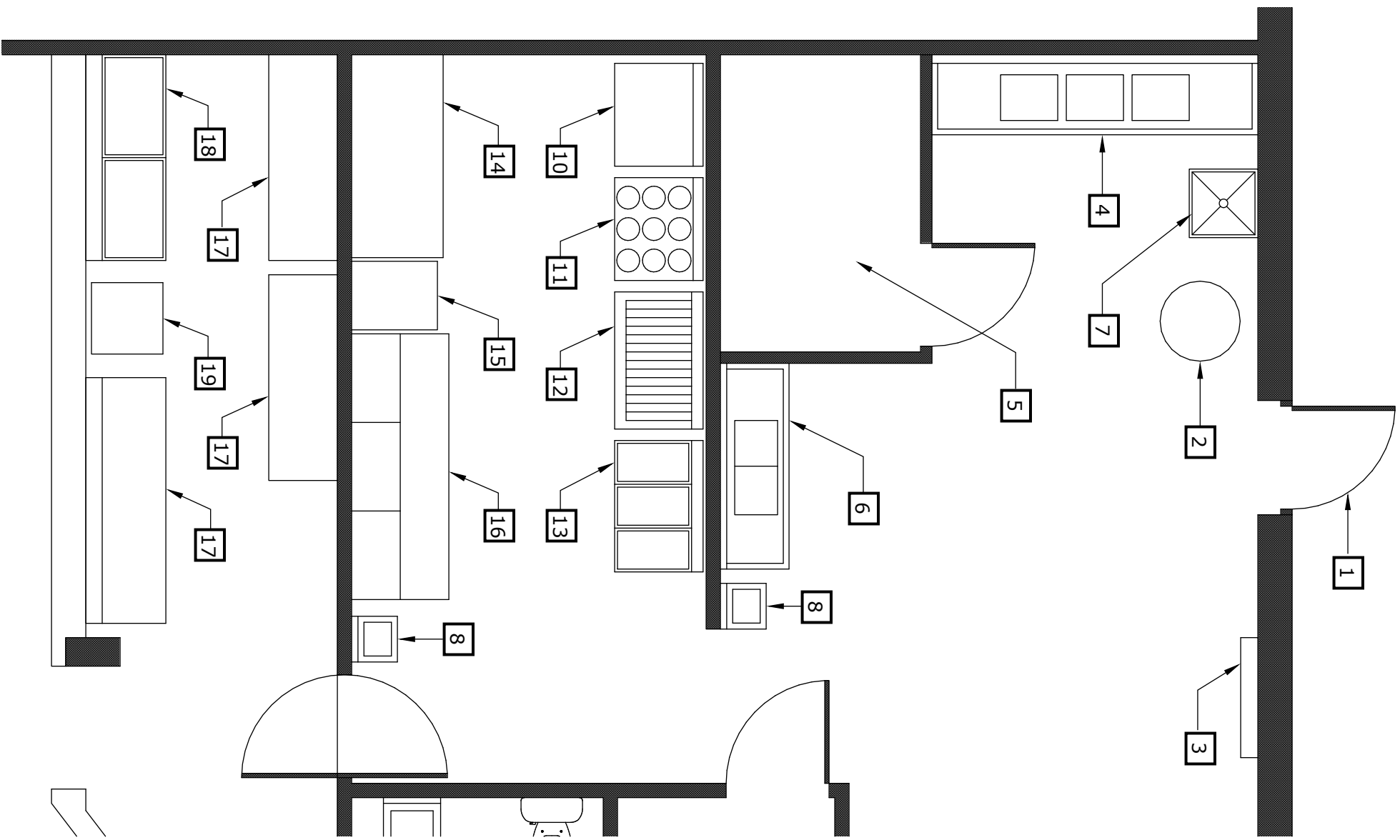
Name: Andrejs J Cers

*Signature*

Date: September 12, 2023  
 MN License Number: 18008

Sept 12, 2023

A1



**FIXTURES AND EQUIPMENT**

- 1 Exit Door directly to outside with illuminated Exit Sign above door.
- 2 Existing Hot Water Heater.
- 3 Existing Electrical Panels.
- 4 Existing Three-compartment Sink
- 5 Existing Walk-in Freezer
- 6 Existing Counter with Two-compartment Sink
- 7 Existing Mop Sink and Faucet
- 8 Existing Hand Washing Sink
- 8 Existing Hand Washing Sink
- 9 Existing Hand Washing Sink
- 10 Existing Hand Washing Sink
- 10 36" Flat Top
- 11 36" Gas Stove and Range
- 12 48" Char Broiler
- 13 46" Triple Fryers
- 14 72" Counter-height Cooler
- 15 24" x 30" Prep Table
- 16 93" Prep Table with Bins
- 17 72" Counter-height Cooler
- 18 72" Double Ice Well
- 19 25" x 25" Dishwasher

**Plumbing Fixtures** -Chapter 29  
 - Table 2902.1. One WC per 75, one lav per 200 occupants.  
**Sprinkler System** - Structure is equipped with Automatic Sprinkler System.

<b>1</b>	Enlarged Partial Plan
<b>A2</b>	

1/4" = 1' - 0"



NORTH

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.

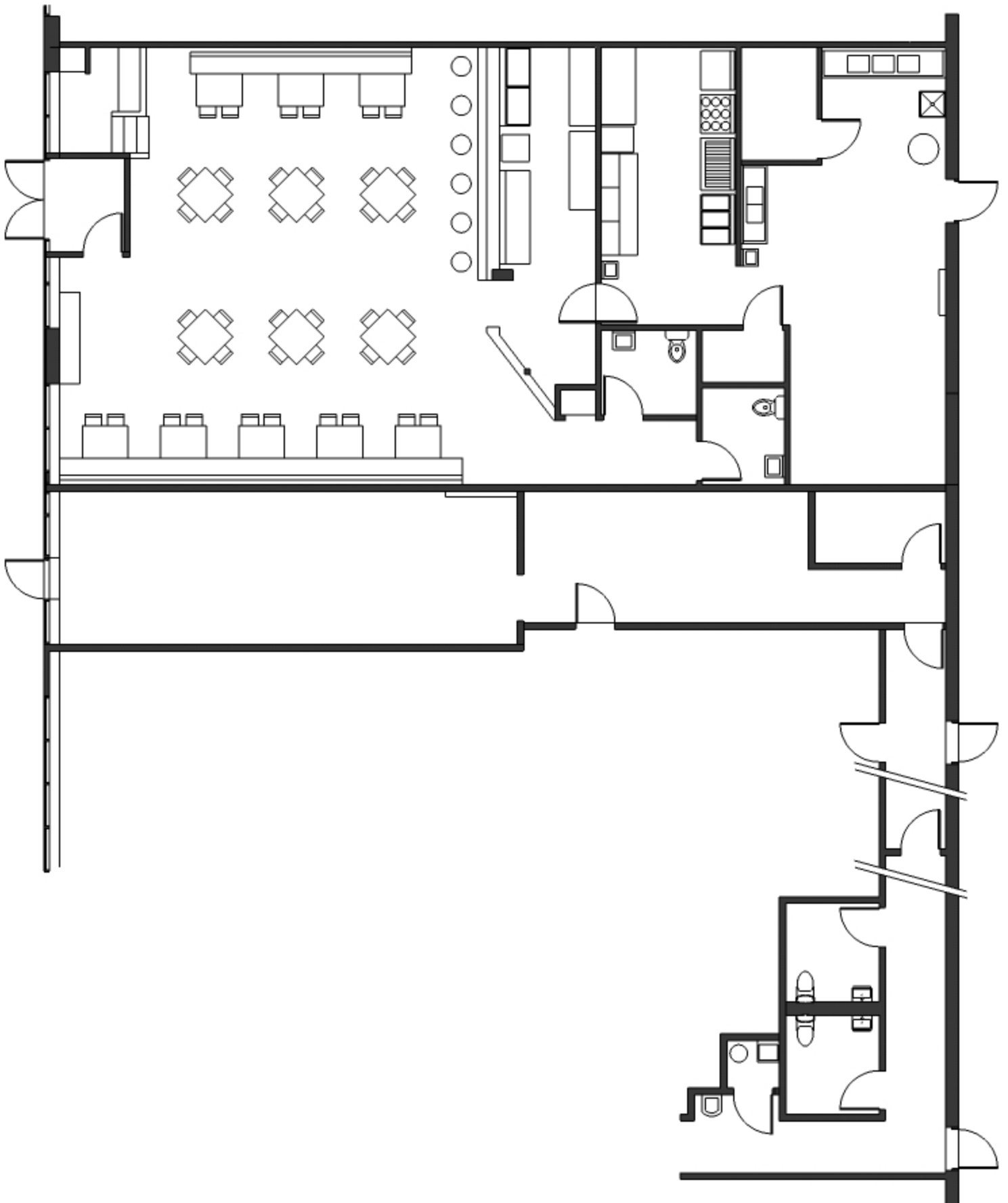
Signature: \_\_\_\_\_

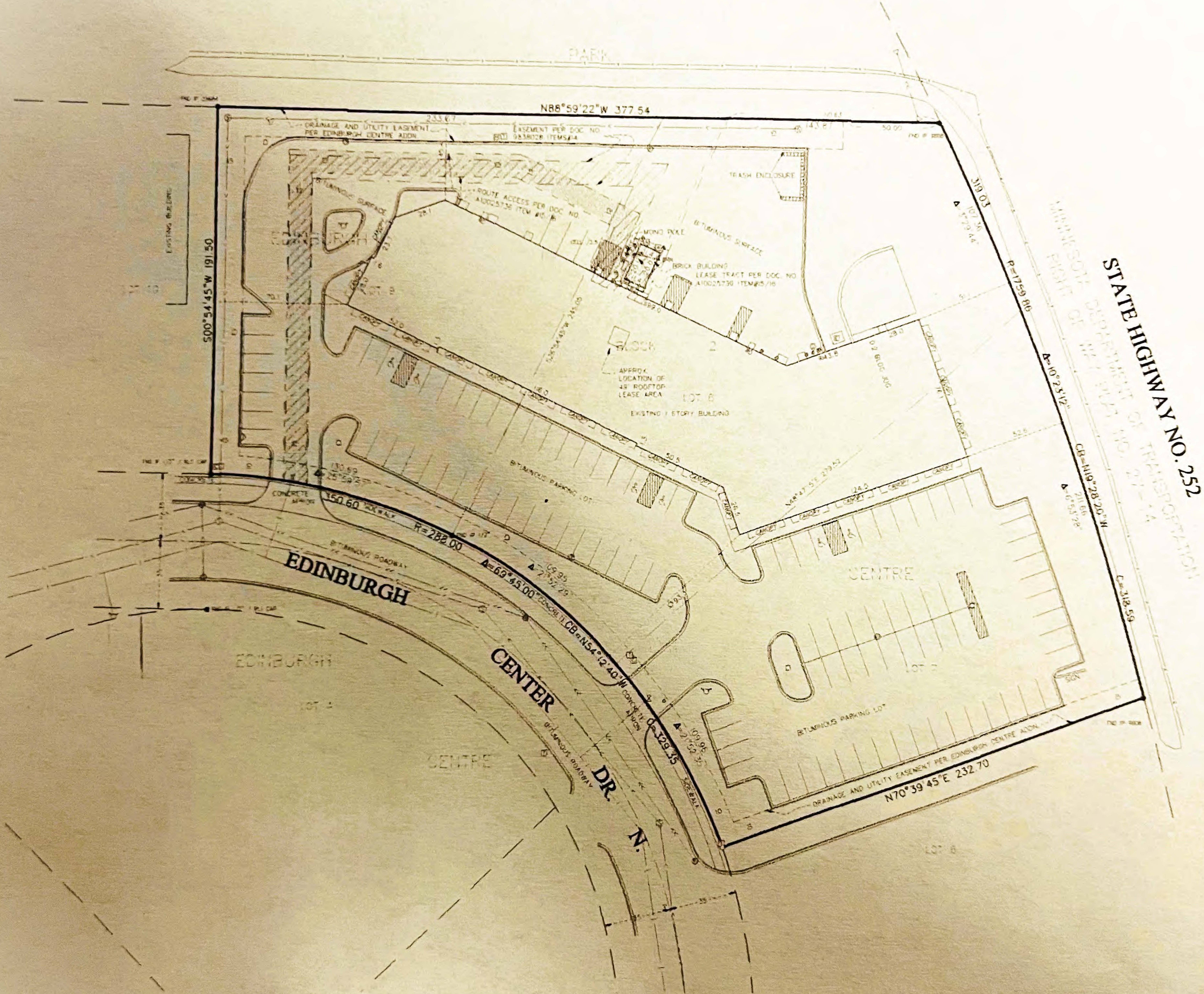
Name: Andrejs J Cers

Date: September 12, 2023

MN License Number: 18008

6.2C - APPLICANT'S SUBMITTAL





STATE HIGHWAY NO. 252  
 DEPARTMENT OF TRANSPORTATION  
 PROJECT NO. 107-217-14  
 CB-119-28-20-11  
 P-1759-R0  
 A-10-2312  
 A-6-5128  
 C-318-59

FIELD CHECK	NO.	BY	DATE	REVISION
Lot				
EDINBURGH				
DR.				
CENTER				
DR.				
DR.				
DR.				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY IDENTIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

For Doug Peterson, LLC, a Minnesota limited liability company, Custom Home Builders, LLC or acting upon the Old Republic Mutual Title Insurance Company.  
 This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2016 Minnesota Standard Detail Requirements for ALTA and ALTA and MPPS to 2014, and include items 1-4, 6, 7, 9 and 11(A) of Table A thereof. The field work was completed on February 12, 2016.  
 Date of Plan or Map: February 22, 2016  
 David B. Peterson, P.L.S. Minnesota License No. 40349

DAVID B. PETERSON  
 LICENSED LAND SURVEYOR  
 STATE OF MINNESOTA

ENGINEERS SURVEYORS  
 D.S. CHENY PLANNERS

**SATHRE-BERGQUIST, INC.**  
 192 SOUTH BROADWAY WAYZATA, MN 55391 (952)

---

6.2C - APPLICANT'S SUBMITTAL  
**CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN**

---



**PLUSH**  
R E S T A U R A N T

---

## 6.2C - APPLICANT'S SUBMITTAL **CONDITIONAL USE PERMIT & THE COMPREHENSIVE PLAN**

---

PLUSH LLC is seeking a Conditional Use Permit to allow the service of liquor on-site in a restaurant setting. The business, a restaurant serving liquor, contributes to the City's Comprehensive Plan as follow.

Brooklyn Park City Code § 152.035(1)

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

*The City of Brooklyn Park's Comprehensive Plan addresses community-wide issues and desires. The Plan looks at the entire community with an emphasis on special planning areas. Brooklyn Park 2025 (BP 2025) as the basis for the planning process. PLUSH will contribute to BP 2025, and thus the City's Comprehensive Plan, as indicated below.*

*BP 2025 Goal #1 is a united and welcoming community, strengthened by the City's diversity. Brooklyn Park defines success, among other factors, as connected neighbors who understand and celebrate the City's unique cultures; services are inclusive, multi-cultural, and accessible; and, spaces for diverse communities to gather.*

*PLUSH is a Black-owned restaurant that will serve elevated soul food recipes based on traditional African American dishes, drawing in diverse community members, and connecting neighbors. The restaurant will be a gathering place that is inclusive of all backgrounds while highlighting African American cuisine along with other menu offerings. The restaurant will offer televised viewings of sporting events and a creative drink menu, which will further draw in diverse patrons, uniting based on a shared love within the community for sporting events and gathering together socially. PLUSH will be an inclusive, multicultural space for diverse communities to gather, break bread, and become connected.*

*BP 2025 Goal # 2 calls for beautiful spaces and quality infrastructure that make Brooklyn Park a unique destination. One marked measure of success the City noted is rich diversity showcased through our vibrant music, arts, food, entertainment, and cultural scene. PLUSH is a Black-owned restaurant that will showcase elevated African American cuisine. PLUSH's vibrant menu and modern, sophisticated interior will effectively showcase the City's rich diversity and be a place the City can be proud of for its contributions to food, entertainment, and the cultural scene.*

*BP 2025 Goal # 3 promulgates a balanced economic environment that empowers businesses and people to thrive. By operating in Brooklyn Park, PLUSH contributes to a thriving business environment that will spur private investment and job growth. PLUSH will employ hosts, servers, managers, bar tenders, chefs, and others. In addition, because PLUSH will contribute to the City's cultural scene, other small business owners will be encouraged to operate in Brooklyn Park and further contribute to thriving business environment. One noted measure of success is "Businesses and organizations of all types, sizes, and specialties start, stay, and grow here." PLUSH intends*

---

## 6.2C - APPLICANT'S SUBMITTAL CONDITIONAL USE PERMIT & THE COMPREHENSIVE PLAN

---

*to operate a small, Black-owned business in the City and remain a city pillar. Alcohol service in a restaurant setting at PLUSH contributes to a thriving business environment and economic development in that the taxes derived from cocktail, fine wine, or beer generates a surplus of revenue for federal, state, and local government and the ability to offer a drink menu with meals in a restaurant environment allows PLUSH, as a business, to be competitive with similar businesses and thrive. From there, the money can be applied toward various social service programs and public organizations that improve your quality of life. With the support of the City and the community, PLUSH can start, stay, and grow in Brooklyn Park, contributing to an abundance of retail restaurants and entertainment venues within the City.*

*BP 2025 Goal # 4 denotes that people of all ages have what they need to feel healthy and safe. Measures for success include neighborhoods empowered and supported by strengthened positive relationships with police; access for aging adults to services and amenities to thrive and age in place; and a city where everyone has access to quality healthy food options. PLUSH will offer a diverse menu and choices for preparation, allowing for healthier food choice options. PLUSH will cater to all ages, including a more mature population, providing access to aging adults and all individuals with exposure to Soul Food in a vibrant restaurant atmosphere. PLUSH will maintain a positive relationship with police and has a security plan, ensuring an environment where patrons and staff feel safe.*

*BP 2025 Goal #5 promotes Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper. PLUSH is a Black-owned business that will provide jobs with livable wages within its restaurant. PLUSH is revitalizing the interior of its restaurant location, the site previously operating as a restaurant, contributing to the continuous improvement and vitalization noted as a benchmark by the City to meet this goal.*

*Brooklyn Park's Comprehensive Plan notes that industry mix is important for the city's sustained economic health and the Plan notes, as far as land use, that 3.8% of the City is made up of retail and other commercial properties. PLUSH will operate on a site that has been utilized in the past as a restaurant. Thus, there will be no change to land use and PLUSH will continue to contribute to the industry mix within the City and related to economic development.*

Brooklyn Park City Code § 152.035(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.

*PLUSH will operate in a strip mall with ample parking and driveways and the required safety protocols. The previous two businesses were restaurants and PLUSH expects the traffic volume to be similar in nature. Further, the hours of the businesses within the strip mall vary, minimizing negative impacts on traffic volume and parking. The strip mall operates, and available parking stalls were constructed in*

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## 6.2C - APPLICANT'S SUBMITTAL **CONDITIONAL USE PERMIT & THE COMPREHENSIVE PLAN**

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*compliance with Brooklyn Park City Code, specifically § 152.142, which optimizes safety related to traffic volumes.*

Brooklyn Park City Code § 152.035(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.

*PLUSH will operate in a strip mall with ample parking and driveways and the required safety protocols. The previous two businesses were restaurants and PLUSH expects the traffic volume to be similar in nature. Further, the hours of the businesses within the strip mall vary, minimizing negative impacts on traffic volume and parking. The strip mall operates, and available parking stalls were constructed in compliance with Brooklyn Park City Code, specifically § 152.142.*

Brooklyn Park City Code § 152.035(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.

*PLUSH will have restroom facilities and will otherwise operate in compliance with the City's requirements regarding public facilities. Met Council provided a SAC/WAC Determination Letter related to water and sewage use and the existing infrastructure will support demand on city services, similar to the previous two restaurant businesses that operated on the site.*

Brooklyn Park City Code § 152.035 (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.

*PLUSH does not anticipate additional landscaping or screening. PLUSH will operate in an established strip mall with landscaping and screening as appropriate, and the nature of the business is similar to the previous businesses that operated at the site. However, PLUSH will work with the City should the need for any additional landscaping or screening arise related to the business conducted on site.*

**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.

*PLUSH will be operating within an existing structure and the previous two businesses at the site were similar in nature (restaurants). The existing structure was previously constructed in accordance with the applicable code and PLUSH does not anticipate any additional architectural changes will be necessary. PLUSH will comply with all zoning regulations.*

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6.2C - APPLICANT'S SUBMITTAL  
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Brooklyn Park City Code § 152.035(1)

**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.

*PLUSH will comply with applicable City Code and will submit additional information to the City as requested.*