

REGULAR CITY COUNCIL MEETING – AGENDA #6

Si usted necesita esta información en español: 763-424-8000. Yog xav tau kev pab, thov hu rau 763-424-8000 lawv mam li nrhiav ib tus neeg txhais lus rau koj. If you need this information in another language or alternative format, email access@brooklynpark.org or call 763-424-8000.

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT AND RESPONSE 6:00 p.m. Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes (*if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with residents. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the residents for informational purposes only.

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

3A. APPROVAL OF AGENDA (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Interview Applicants for Commissions

A. COMMISSION VOTING FORMS

3B.2 Charter Commission 2024 Annual Report and 2025 Work Plan Presentation

A. CHARTER COMMISSION 2024 ANNUAL REPORT

B. CHARTER COMMISSION 2025 WORK PLAN

II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

4. CONSENT (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

4.1 Conditional Use Permit (CUP) Application for the Operation of a Social Club and Banquet Hall for Private Events at 8432 Xerxes Ave N

A. RESOLUTION

B. LOCATION MAP

C. APPLICANT SUBMISSION

D. PC MINUTES

4.2 True Blue Variance for Free-Standing Signs on a Property Zoned B-3 – General Business District

A. RESOLUTION

B. FINDINGS OF FACT

C. LOCATION MAP

D. PLANNING COMMISSION MINUTES

E. PLAN SET

4.3 Resolution Authorizing Acceptance of The Workforce Development and Brooklyn Park Small Business Center SFY 2025 Direct Appropriation Grant (#5CBP6300)

A. RESOLUTION

4.4 Approve Conveyance of Permanent and Temporary Easements at 7608 Brooklyn Boulevard to Hennepin County and the Final Concept Plan for the Brooklyn Boulevard / Welcome Avenue Intersection Reconstruction Project, CIP 4060

A. RESOLUTION

- B.** REQUESTED EASEMENTS FIGURE
- C.** FINAL CONCEPT PLAN

The following items relate to the City Council's long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker's form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)

5. PUBLIC HEARINGS

None

6. LAND USE ACTIONS

6.1 DEV24-102 Post Zoning Code Update: Minor Text Revisions

- A.** RESOLUTION
- B.** ZONING MAP

7. GENERAL ACTION ITEMS

7.1 FIRST READING of an Amendment to Chapter 92 of the Brooklyn Park City Code Pertaining to Animals

A. RESOLUTION

7.2 Immigration Action Policy

A. POLICY (*In review, TBA Monday*)

III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.

8. DISCUSSION ITEMS

None

IV. VERBAL REPORTS AND ANNOUNCEMENTS

9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS

V. ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.1	Meeting Date:	February 24, 2025
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Hollies Winston
Item:	Interview Applicants for Commissions		

City Manager's Proposed Action:

Interview applicants to fill current and upcoming openings on commissions.

Overview:

The City has advertised to fill openings on the Budget Advisory Commission, Community Long-range Improvement Commission, Human Rights Commission, Planning Commission and the Recreation and Parks Advisory Commission. The appointments are to fill upcoming openings due to terms ending April 1, 2025, and resignations for balance of terms. Applicants have been contacted; voting forms with those that confirmed attendance are attached.

Per Resolution #2019-46, there are district requirements on all of these city commissions. The City Council will make the appointments taking into consideration the representation required by each commission. An applicant who represents outside of his/her residing district and is seeking reappointment to a commission is eligible for reappointment to the same seat even if other individuals who reside in the appropriate district apply for the seat.

The regular openings are for three-year terms effective April 1, 2025 and to expire April 1, 2028 unless indicated otherwise. The RPAC Youth Liaison openings (ages 14-17) are for one-year terms effective April 1, 2025 and to expire April 1, 2025. We currently have no Emerging Leader applications.

I wish to make Council aware of City Code Section 30.39 which states, "Notwithstanding any provisions of this Code to the contrary, if there are no applicants for an appointment to a board or commission residing in the district from which the appointment is required to be made, an applicant residing in any district of the city may be appointed to such board or commission." (Ord. 2000-932, passed 9-11-00.)

Budget Advisory Commission – Four openings

- City At-large (1) – replacing Therresa Ajiboye
- East (1) – replacing Akeem Adeniji
- West (1) – reappointing or replacing Henry Blake
- Central (1) – replacing Wolfgang Madsen-Forrest (balance of a term, expires April 1, 2027)

Community Long-range Improvement Commission (CLIC) – Five openings

(Per Section 9.04 of our City Charter, the Mayor appoints to this commission with the approval of the City Council.)

- City At-large (2) – replacing Patrick Chittester and Theo Harris
- Central (1) – reappointing or replacing Umebe Onyejekwe
- East (1) – replacing Nichloas Campbell
- West (1) – reappointing or replacing Jorge Martinez

Human Rights Commission – Four openings

- City At-large (1) – replacing Bernice Cooper
- Central (1) – reappointing or replacing Andrea Perez-Maikkula
- East (1) – reappointing or replacing Brenda Blackhawk
- East (1) – filling open seat (balance of a term, expires April 1, 2026)

Planning Commission – Three openings

- City At-large (1) – reappointing or replacing Maggie Borer
- Central (1) – reappointing or replacing Kathy Fraser
- East (1) – reappointing or replacing Philip Gaye-Bai

Recreation and Parks Advisory Commission – Four openings (two regular and two possible youth liaisons)

- City At-large (2) – reappointing or replacing Emily Arias and reappointing or replacing Kellina Quigley
- Central (1) – reappointing or replacing Jenkins Vangehn (RPAC is his second choice)
- West (1) – replacing Dwain Erickson

City-At Large Youth Liaison (2) – Replacing Aria Reickard and Klarissa Yu (one-year term expires April 1, 2026)

In the packet are voting forms to indicate your choices. At the end of the meeting, please pass your voting forms to Mayor Winston with your choices indicated. He will consolidate the votes to determine who will be appointed to the commissions. The appointments will be made during the March 10, 2025 Council meeting.

After appointments are made, staff will re-advertise for openings that are not filled.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.1A COMMISSION VOTING FORMS

BUDGET ADVISORY COMMISSION VOTING FORM

Councilmember Name: _____

Please complete this form and return to Mayor Winston after the February 27, 2025 meeting. Appointments will be made at the March 10, 2025 meeting.

- Four Commissioners to be Appointed :
- City At-large (1) – replacing Therresa Ajiboye
 - East (1) – replacing Akeem Adeniji
 - West (1) – reappointing or replacing Henry Blake
 - Central (1) – replacing Wolfgang Madsen-Forrest (balance of a term, expires April 1, 2027)

Please X inside the to indicate your choices. Choose one for each opening.

BAC as 1st Choice	Vote
<i>CENTRAL DISTRICT</i>	
Michael Mattox	<input type="checkbox"/>
Erica Walker	<input type="checkbox"/>
<i>EAST DISTRICT</i>	
Henry Blake ¹	<input type="checkbox"/>
<i>WEST DISTRICT</i>	
Maxwell Hall	<input type="checkbox"/>

BAC as 2nd or 3rd Choice	Vote
<i>CENTRAL DISTRICT</i>	
Patrina Green	<input type="checkbox"/>
Maggie Borer	<input type="checkbox"/>
Simon Ruoro	<input type="checkbox"/>

Notes:
 1. Currently serving on BAC

COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION VOTING FORM

Councilmember Name: _____

Please complete this form and return to Mayor Winston after the February 27, 2025 meeting. Appointments will be made at the March 10, 2025 meeting.

Five Commissioners to be Appointed :

City At-large (2) – replacing Patrick Chittester and Theo Harris

Central (1) – reappointing or replacing Umebe Onyejekwe

East (1) – replacing Nichloas Campbell

West (1) – reappointing or replacing Jorge Martinez

Please X inside the to indicate your choices. Choose one for each opening. Please appoint to 1st choice whenever possible.

CLIC as 1st Choice	Vote	CLIC as 2nd or 3rd Choice	Vote
<i>CENTRAL DISTRICT</i>		<i>CENTRAL DISTRICT</i>	
Mark Hayes-Regan	<input type="checkbox"/>	Michael Mattox	<input type="checkbox"/>
Umebe Onyejekwe ^{1,2}	<input type="checkbox"/>	Amna Arabi	<input type="checkbox"/>
<i>EAST DISTRICT</i>		Simon Ruoro	<input type="checkbox"/>
Stephanie Cole	<input type="checkbox"/>	Frances Killen	<input type="checkbox"/>
Mark Sastry	<input type="checkbox"/>	Maggie Borer	<input type="checkbox"/>
<i>WEST DISTRICT</i>		<i>EAST DISTRICT</i>	
Jorge Martinez ¹	<input type="checkbox"/>	Kellina Quigley	<input type="checkbox"/>

Notes:

1. Currently serving on CLIC
2. Did not confirm attendance

HUMAN RIGHTS COMMISSION VOTING FORM

Councilmember Name: _____

Please complete this form and return to Mayor Winston after the February 27, 2025 meeting. Appointments will be made at the March 10, 2025 meeting.

Four Commissioners to be Appointed :

- City At-large (1) – replacing Bernice Cooper
- Central (1) – reappointing or replacing Andrea Perez-Maikkula
- East (1) – reappointing or replacing Brenda Blackhawk
- East (1) – filling open seat (balance of a term, expires April 1, 2026)

Please X inside the to indicate your choices. Choose one for each opening. Please appoint to 1st choice whenever possible.

HRC as 1 st Choice	Vote
<i>CENTRAL DISTRICT</i>	
Amna Arabi	<input type="checkbox"/>
Patrina Green	<input type="checkbox"/>
Penny Jones	<input type="checkbox"/>
Andrea Perez-Maikkula ¹	<input type="checkbox"/>
Amanda Wirth	<input type="checkbox"/>
<i>EAST DISTRICT</i>	
Brenda Blackhawk ²	<input type="checkbox"/>
<i>WEST DISTRICT</i>	
Toby Gunderson	<input type="checkbox"/>
Elizabeth Scheel-Keita	<input type="checkbox"/>

HRC as 2 nd or 3 rd Choice	Vote
<i>CENTRAL DISTRICT</i>	
Francis Killen	<input type="checkbox"/>
<i>EAST DISTRICT</i>	
Stephanie Cole	<input type="checkbox"/>
Mark Sastry	<input type="checkbox"/>
<i>EAST DISTRICT</i>	
Jorge Martinez	<input type="checkbox"/>

Notes:

- 1. Currently serving as HRC Chair.
- 2. Currently serving on HRC.

PLANNING COMMISSION VOTING FORM

Councilmember Name: _____

Please complete this form and return to Mayor Winston after the February 27, 2025 meeting. Appointments will be made at the March 10, 2025 meeting.

Three Commissioners to be Appointed :

City At-large (1) – reappointing or replacing Maggie Borer

Central (1) – reappointing or replacing Kathy Fraser

East (1) – reappointing or replacing Philip Gaye-Bai

Please X inside the to indicate your choices. Choose one for each opening. Please appoint to 1st choice whenever possible.

Planning as 1 st Choice	Vote
CENTRAL DISTRICT	
Maggie Borer ¹	<input type="checkbox"/>
Francis Killen	<input type="checkbox"/>
Kyle Krysinski	<input type="checkbox"/>
Simon Ruoro	<input type="checkbox"/>
EAST DISTRICT	
Philip Gaye-Bai ¹	<input type="checkbox"/>
WEST DISTRICT	
Long Dang	<input type="checkbox"/>

Planning as 2 nd or 3 rd Choice	Vote
CENTRAL DISTRICT	
Amna Arabi	<input type="checkbox"/>
Patrina Green	<input type="checkbox"/>
Francis Killen	<input type="checkbox"/>
Michael Mattox	<input type="checkbox"/>
EAST DISTRICT	
Emily Arias	<input type="checkbox"/>
Brenda Blackhawk	<input type="checkbox"/>
Stephanie Cole	<input type="checkbox"/>
Mark Sastry	<input type="checkbox"/>
Kellina Quigley	<input type="checkbox"/>
WEST DISTRICT	
Jorge Martinez	<input type="checkbox"/>

Notes:

1. Currently serving on Planning.

RECREATION AND PARKS ADVISORY COMMISSION VOTING FORM

Councilmember Name: _____

Please complete this form and return to Mayor Winston after the February 27, 2025 meeting. Appointments will be made at the March 10, 2025 meeting.

Four Commissioners to be Appointed :

City At-large (2) – reappointing or replacing Emily Arias and reappointing or replacing Kellina Quigley

Central (1) – reappointing or replacing Jenkins Vangehn (RPAC is his second choice)

West (1) – replacing Dwain Erickson

Please X inside the to indicate your choices. Choose one for each opening. Please appoint to 1st choice whenever possible.

RPAC as 1st Choice	Vote
<i>EAST DISTRICT</i>	
Emily Arias ¹	<input type="checkbox"/>
Kellina Quigley ¹	<input type="checkbox"/>

RPAC as 2nd or 3rd Choice	Vote
<i>CENTRAL DISTRICT</i>	
Kyle Krysinski	<input type="checkbox"/>
<i>EAST DISTRICT</i>	
Brenda Blackhawk	<input type="checkbox"/>
<i>WEST DISTRICT</i>	
Jorge Martinez	<input type="checkbox"/>

Notes:

1. Currently serving on RPAC (City At-large).

**RECREATION AND PARKS ADVISORY YOUTH LIAISON COMMISSION
VOTING FORM**

Councilmember Name: _____

Please complete this form and return to Mayor Winston after the February 27, 2025 meeting. Appointments will be made at the March 10, 2025 meeting.

Two Youth Liaisons to be Appointed :
City At-large (2) – replacing Aria Reickard and Klarissa Yu

Please X inside the to indicate your choices. Choose one for each opening. Please appoint to 1st choice whenever possible.

Name	Vote
Abundance Anako	<input type="checkbox"/>
Keesha Ramirez	<input type="checkbox"/>

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.2	Meeting Date:	February 24, 2025
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	2	Presented By:	Dennis Secara, Charter Commission Chair
Item:	Charter Commission 2024 Annual Report and 2025 Work Plan Presentation		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO ACCEPT THE CHARTER COMMISSION 2025 WORK PLAN.

Overview:

Charter Commission Chair Dennis Secara will present the 2024 Charter Commission Annual Report and 2025 Work Plan.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.2A CHARTER COMMISSION 2024 ANNUAL REPORT
3B.2B CHARTER COMMISSION 2025 WORK PLAN

BROOKLYN PARK CHARTER COMMISSION 2024 Annual Report

MEETINGS

- The Charter Commission held monthly meetings in **January 10, March 13, April 10, June 12, September 11, and December 11**. The meetings on **February 14, July 10, August 14, October 9 and November 13** were canceled. On **May 8**, a quorum was not present.

CHARTER ACTION ITEMS IN 2024

City Charter Section 4.03, Primary Municipal Elections and Section 2.06, Council Vacancies

At the December 13, 2023, meeting, Commissioners discussed amendment language presented by Attorney Tolar to Section 4.03 for discussion. After lengthy discussions, the Commissioners edited the proposed amendment language relating to eligible voters. The Commissioners voted and passed a recommended amendment to the City Council for approval, to Chapter 4, Section 4.03 of the City Charter. The public hearing and first reading of the ordinance was held on February 12, 2024.

At the **February 26, 2024**, City Council meeting, the second reading of the amendment to Chapter 4, Section 4.03 failed due to questions and concerns by the Council related to the appointment process, and appointing a qualified person until a special election was held.

At the **March 13, 2024**, Charter Commission meeting, the Commissioners discussed the failed ordinance amendment to Chapter 4, Section 4.03 and the questions and concerns by the Council. It was the consensus of the Commissioners to take up the amendment issue again to Section 4.03 and put it on the work plan for a future meeting. Discussions were held on other options; ranked choice voting, a candidate receiving 50% plus votes at the Primary would be accepted as the winner, the state mandated special election dates, and the appointment process.

Other discussions were held on Section 4.03 and presenting the amendment without changes to the council again, along with Section 2.06 addressing the Council vacancies and how long a council seat was vacant. It was the consensus of the Commissioners to add Section 4.03 and 2.06 to the work plan.

At the **April 10, 2024**, Charter Commission meeting, Commissioners held discussions on Section 4.03, related to the special elections, gaps in the vacant seats and not having a special primary. It was noted for the special primary election in the West District, had the 50% plus rule been in effect, Council Member McGarvey would have been declared the winner and the special election in August would not be held. Other discussions were held on not receiving recommendations from the Council on what they liked or didn't like, educating the Council on special elections from the city charter. The Commissioners voted to table the discussion on Section 4.03. The Commissioners also voted and passed to attend a Council work session and educate the council on special elections, the process, mandated dates, and the timing to hold special elections using the special elections chart.

At the **June 12, 2024**, Charter Commission meeting, the Commissioners held discussions on the

May 8, 2024, Council Work Session. The Chair and a few Commissioners were in attendance and provided information about the city charter, the process for amending the charter, the history of special elections and when primaries were held.

Discussions were held on Section 4.03 on why it failed, and the consensus of the Commissioners was to resubmit Section 4.03 in its same form as presented in February to the Council and possibly submit the amendment to Section 2.06.

Discussions were held on Section 2.06, the previous special elections where the vacancy was declared and ordered a special election at the same council meeting.

Chair Secara presented to the Commissioners the proposed amendment to Section 2.06 relating to the special elections.

Current Language from the City Charter, Chapter 2, Section 2.06:

If 365 days or more remain in the term, the Council must within 45 days of the declaration date order a special municipal election to fill the vacancy for the balance of the unexpired term. The Council shall set times for candidates to file for such office, however, filings may close no sooner than 7 days after the election is ordered. If a special primary election is required by Section 4.03 of this Charter, the special election must be held no more than 120 days after the election is ordered. If a special primary election is not required, the special election must be held no more than 75 days after the election is ordered. Except as provided in this section of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

Proposed Language to Chapter 2, Section 2.06:

If more than 365 days remain in the unexpired term, a special municipal election must within 45 days of the declaration date be ordered to fill the vacancy for the balance of the unexpired term. Upon declaring the vacancy, the council must appoint a qualified person to fill the vacancy until a special election for the vacancy has been concluded. The council shall set times for candidates to file for such office, however, filings may close no sooner than 7 days after the election is ordered. If a special primary election is required by Section 4.03 of this charter, the special election must be held no more than 120 days after the election is ordered. If a special primary election is not required, the special election must be held no more than 75 days after the election is ordered. Except as provided in this section of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

Discussions were held on the 45 days being effective and when the 365 days were started, concerns with the special election dates mandated by state election law, the timeline for a special election including the time and place, notices in the newspaper and notice of the special election on the city's website.

A suggestion was made to remove the sentence related to the appointment and let the special election run its course.

~~“Upon declaring the vacancy, the council must appoint a qualified person to fill the vacancy until a special election for the vacancy has been concluded.”~~

Additional revisions were suggested to the sentence to read:

“A special election must be ordered to fill the vacancy for the balance of the unexpired term.”

Other discussions were held on keeping the 45 days in the language because it put a time limit on the council and holding the council accountable, the two week filing period according to state law, if the council had the authority to appoint a qualified person to fill the vacancy until the special election; the Commissioners not being in favor of the appointment and conflicting language in the Charter, “filings may close no sooner than 7 days after the election is ordered.”

Additional revisions were suggested:

“If more than 365 days remain in the unexpired term, a special municipal election must within 45 days of the declaration date be ordered to fill the vacancy for the balance of the unexpired term.”

Revised Proposed Language to Section 2.06:

If more than 365 days remain in the unexpired term, a special municipal election must within 45 days of the declaration date be ordered to fill the vacancy for the balance of the unexpired term. ~~Upon declaring the vacancy, the council must appoint a qualified person to fill the vacancy until a special election for the vacancy has been concluded.~~ The council shall set times for candidates to file for such office, however, filings may close no sooner than (7)/(15) days after the election is ordered. If a special primary election is required by Section 4.03 of this charter, the special election must be held no more than 120 days after the election is ordered. If a special primary election is not required, the special election must be held no more than 75 days after the election is ordered. Except as provided in this section of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

Other discussions were held about the consensus of the council to shorten the period from declaring the vacancy to being sworn in. The Commissioners decided to skip the primary and do the winner take all related to the 50% plus one process. The Commissioners also reviewed the ordinance amendment to Section 4.03.

The Commissioners voted and passed unanimously to resubmit the amendment to Section 4.03 as presented to the Council in February.

SECTION 4.03 PRIMARY MUNICIPAL ELECTIONS

The Council shall, whenever there are more than two candidates filing for any city-wide office or for resident Council member of any district, provide through ordinance or resolution for a primary election to be held city wide or in any particular district, and such primary election shall be held on a date not less than 25 days prior to the special or general election. At least 15 days' notice shall be given by the Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one public place in each district where the election is held, and by publishing a notice thereof on the city website and at least once in the official newspaper of the city. Uncontrollable circumstances causing failure to give such notice shall not invalidate such election. This section does not apply to any special election held in 2022 to fill the vacancy in the office of council member for the East District.

If a primary election is required in connection with a special municipal election needed to fill a vacancy in the office of Council member or Mayor pursuant to Section 2.06, a candidate who receives more than 50% of the votes cast at the primary election shall be declared the winner. If no candidate receives more than 50% of the votes cast at the primary election, the two candidates receiving the most votes shall advance to a special municipal election pursuant to Section 2.06 and the applicable provisions of Minnesota election law.

Commissioners held additional discussions on the language to Section 2.06 and proposed an

amendment to add “and call for a special election” at the end of the first sentence:

“If any of the foregoing is determined to have happened, the Council shall, by resolution at the next regular or special Council meeting declare a vacancy on the Council to exist and call for a special election.”

A motion and second was made to amend Section 2.06 to add, “and call for a special election” at the end of the first sentence.

If any of the foregoing is determined to have happened, the Council shall, by resolution at the next regular or special Council meeting declare a vacancy on the Council to exist and call for a special election. Declaration date of vacancy shall be the date of the Council meeting at which the resolution is adopted. Vacancies must be publicly declared by resolution, posted at City Hall, and with notification to be given by any other practical means.

Discussions were held on the timing of the resignation, when the special elections occurred and getting an opinion from the city attorney. The Commissioners voted and unanimously passed to table the proposed amendment until the Commissioners received an opinion from the city attorney related to the amendments to Section 2.06.

The Commissioners also voted and passed unanimously to table submitting Section 4.03 to the Council until September for further discussions.

At the **September 11, 2024**, Charter Commission meeting, Commissioners discussed the amendments to Section 2.06 and 4.03. Chair Secara stated the amendment to Section 4.03 was already voted on at the last meeting to send the amendment to the Council and tonight would be discussing the amendment to Section 2.06.

Discussion was held on Chair Secara’s meeting with City Attorney Thomson, Attorney Tobar and the City Clerk and discussed the Commissioners proposed amendment to Section 2.06. The city attorney determined there was no legal issue with any of the language the Commissioner’s proposed. The attorney stated the Commissioners were asking the council to call for the special election simultaneously when declaring a vacancy. The Charter said the council had within 45 days of the vacancy date to call for a special election and with the proposed amendment, was saving 45 days in a vacancy.

Chair Secara and Commissioners reviewed the proposed amendment to Section 2.06:

Proposed Language to Section 2.06:

If any of the foregoing is determined to have happened, the Council shall, by resolution at the next regular or special Council meeting declare a vacancy on the Council to exist and call for a special election if one is required. Declaration date of vacancy shall be the date of the Council meeting at which the resolution is adopted. Vacancies must be publicly declared by resolution, posted at City Hall, and with notification to be given by any other practical means.

If 365 days or more remain in the term, the council must upon declaring a vacancy within 45 days of the declaration date order a special election to fill the vacancy for the balance of the unexpired term. The council shall set times for candidates to file for such office, however, filings may close no sooner than (7)/(15) days after the election is ordered. If a special primary election is required by Section 4.03

of this charter, the special election must be held no more than 120 days after the election is ordered. If a special primary election is not required, the special election must be held no more than 75 days after the election is ordered. Except as provided in this section of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

Discussions were held on the filing dates as noted by the attorney at the last meeting to be 15 days per state law.

The Commissioners voted on the proposed amendments to Sections 2.06 and 4.03 and passed unanimously to send the recommended amendments to the Council.

Staff Liaison Montero gave the timeline of the amendments presented to the council.

September 23	Council set the public hearing
October 3	Public Hearing Notice and text of proposed ordinance is published
October 14	Public hearing and First Reading of Ordinance Held
October 28	Second Reading of Ordinance Held
November 7	Ordinance Published in Newspaper
February 5, 2025	Ordinance becomes effective (90 days after passage and publication)

At the **October 14, 2024**, Council meeting, the public hearing and first reading of the ordinance amendments were held. Chair Secara presented the amendments, and the Council voted and approved the first reading of the amendments.

At the **October 28, 2024**, Council meeting, the second reading of the ordinance amendments were held. Chair Secara presented the amendments to the Council. The Council members held discussion related to appointments under 2 years, if the residents had an opportunity to weigh in on the amendments, residents should be voting on the candidates, if the sections applied to the mayor, the amendments were related to special elections, a candidate achieving 50% plus vote, being declared the winner. The vote by the Council was to 5 to 2 and the amendments failed.

CHARTER PROVISIONS AND ISSUES DISCUSSED IN 2024

Authority to Change Candidate Filing Dates

Commissioners discussed whether municipalities had the authority to shorten the candidate filing period for special elections.

Attorney Tolar reviewed state law, Attorney General’s Office opinion and State Statute Chapter 205, Election Law. She stated state election law would govern and not MN Statute 410.21.

Code Enforcement and Administrative Penalties in the City

At the December 11, 2024, meeting, Commissioners held discussions on the code enforcement and administrative penalties in the city.

Inspections and Environmental Health Manager Jason Newby gave a presentation regarding the administrative enforcement options within the city. The options were penalties, administrative hearings, and special assessments. He briefed on the environmental health process on how complaints were handled and the proactive approach the department used for

corrective inspections. He presented the City View program that allowed residents to see the violations in an area, what inspections had taken place and permits that had been issued.

Discussions were held on problems not being addressed, certain areas that required an adjustment to fee amounts if a citation was issued, amount of unpaid water bills that were assessed to a property, and when wages were garnished, what payment schedule was available to residents.

Mr. Newby stated no homes had been lost due to the program. He stated the fees were all the same for the neighborhoods in the city, explained the options for appealing the fee, and stated there were very few abatements made by the city.

He stated information on unpaid water bills would come from the utility billing department. He stated the assessed fees were collected at the closing of the house when it was sold.

Mr. Newby stated he was not aware of any issues with wage garnishments and citations and could be answered by the Finance Department.

OTHER

- At the **February 12, 2024**, City Council meeting, Chair Dennis Secara gave the Annual Verbal Charter Commission report.
- The Annual Commission Joint Goal Setting meeting with the City Council was held on **August 5, 2024**.

Respectfully submitted,

Dennis Secara, Chair
Brooklyn Park Charter Commission

cc: Mayor & Council Members
Jay Stroebel, City Manager
Jim Thomson, City Attorney

Devin Montero, City Clerk
Chief Judge Kerry Meyer
Charter Commission Members

Work Plan | CHARTER COMMISSION

2025

Time Frame CC Meeting	Project or Task(s)	BP2025	Purpose (see next page for info)	Outcome (fill in after completed)
TBD	Review Non-Planning ordinance changes not affecting land use that affect city laws and City Charter	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input checked="" type="checkbox"/> Council <input type="checkbox"/> City Manager	Note: From the Governance Task Force Recommendation, Final Report-5/17/2011; Work Plan reviewed and updated 1/11/23; 1/8/24; 1/8/25
TBD	Review what other Charter Commissions are doing (work plans, ordinances, etc.)	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Note: Discussed at December 11, 2019 meeting. Work Plan reviewed and updated 1/11/23; 1/8/24; 1/8/25
TBD	Review of Charter Sections - For Outdated Information	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Notes: Discussed June 8 2022. Work Plan reviewed and updated 1/11/23; 1/8/24; 1/8/25
September 2023 March 2024 June 2024 October 2024	Review Charter Section 4.03, Primary Municipal Elections	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input checked="" type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Notes: Added to the Work Plan 9/13/23 meeting. Discussed on 10/11/23 and 11/8/23; on 12/13/23 voted on the amendment to the council. Note: 1/8/24 the council set the public hearing and first reading for February 12, 2024; Work Plan Reviewed 1/8/24; 2/26/24 Second Reading held and council rejected the amendment and returned to the Charter Commission. 3/13/24 Charter Commission Discussed issue and will work on another amendment; at the June 12 2024 meeting, the commissioners discussed the amendment and voted to resubmit the amendment as it was presented at the Feb 26 council meeting. At the October 28, 2024 Council meeting, the ordinance was presented and failed on a 5 to 2 vote by the council. Work Plan Reviewed 1/8/25
March 2024 June 2024 September 2024 October 2024	Review Charter Section 2.06, Council Vacancies	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input checked="" type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Notes: 3/13/24-Commissioners added this item to the work plan; 6/12/24 commissioners discussed adding language to declare the vacancy and ordering the election at the same meeting; 9/11/24, Commissioners approved the amendment to Section 2.06 and forward the ordinance to the council for adoption. At the October 28, 2024 Council meeting, the ordinance was presented and failed on a 5 to 2 vote by the council.; Work Plan Reviewed 1/8/25
March 2025	Receive City Manager's Population Report per Section 2.04	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input type="checkbox"/> Commission <input type="checkbox"/> Council <input checked="" type="checkbox"/> City Manager	Work Plan Reviewed 1/8/25

1. United Community 2. Beautiful Places 3. Thriving Economy 4. Healthy & Safe People 5. Increased Equity 6. Effective & Engaging Gov't

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	February 24, 2025
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Matt Hayes-Regan, Associate Planner
Ordinance:	N/A		
Attachments:	4	Presented By:	Paul Mogush, Planning Director
Item:	Conditional Use Permit (CUP) Application for the Operation of a Social Club and Banquet Hall for Private Events at 8432 Xerxes Ave N		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-____ APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A SOCIAL CLUB AND A BANQUET HALL FOR PRIVATE EVENTS AT 8432 XERXES AVE N.

Overview:

JC Riders Motorcycle Club is a non-profit organization applying for a conditional use permit (CUP) to operate as a social club and a banquet hall for private events at 8432 Xerxes Ave N. While the application refers to the use of banquet hall, the full name of banquet hall used in the zoning code is "banquet, convention hall or conference center." Information about the organization can be found in the attached Applicant Submittal. 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 either a social club or a banquet hall.

The application is only for a CUP at this location. An application for and approval of a liquor license is a separate process that is not being considered with this application.

Planning Commission:

The Planning Commission held a public hearing on February 12, 2025 at their regular meeting. No members from the public spoke during the public hearing. The Planning Commission voted unanimously to recommend approval of the conditional use permit as presented.

Previous Approvals:

8432 Xerxes Ave N is one parcel located in the Xerxes Phoenix Addition. The Xerxes Phoenix Addition was developed in 2006 as a multi-tenant retail building. Although there was a previous CUP approved for 8432 Xerxes Ave N in 2016, the CUP was neither for a social club nor a banquet hall, but for a religious institution. Because it has been more than 365 days since the property operated as a religious institution, the previous CUP has lapsed.

Current Conditions:

The subject property is 2.12 acres and it is located southeast of 85th Ave and Xerxes Ave.

Future Land Use Plan	Neighborhood Service Center
Current Zoning	B-2: Neighborhood Retail Business
Proposed Zoning	B-2: Neighborhood Retail Business

Neighborhood	Norwood
Site Area	2.12 acres
Conforms to:	
Land Use Plan	Yes
Zoning Code	Yes
Notification	85 Public Hearing Notices mailed Posted in the Sun Post Neighborhood email sent to Norwood neighborhood
Timeline (MN §15.99)	
60-day	March 4, 2025
120-day	May 3, 2025

Land Use/Zoning and Overlay:

The property is located in the City's Neighborhood Retail Business (B-2) Zoning District. Social clubs and banquet halls are allowed conditionally in the B-2 Zoning District. The Brooklyn Park 2040 Comprehensive Plan (Comprehensive Plan) future land use designation for this property is Neighborhood Service Center.

The B-2 Zoning District is intended to provide a district which encourages compact centers for retail sales and services that serve the adjacent neighborhood and to preserve and protect the general character of the adjacent areas.

The zoning designations of the adjacent properties are the Business Park (B-1) Zoning Districts to the east and Detached Single-Family and Two-Family (R-3) Zoning Districts to the north and south.

An overlay is not associated with this property.

Conditional Use Permit:

Social clubs and banquet halls are allowed conditionally in the B-2 Zoning District. Conditional uses must be reviewed against the standards of § 152.305 of the City's Zoning Code. The uses are 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 affect 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 Comprehensive Plan guides this property as Neighborhood Service Center. Neighborhood Service Centers are small-scale commercial areas oriented to the surrounding residential areas. The businesses are designed so that they are easy to reach by all modes of transportation, including nearby residents who may be walking or biking. Buildings are scaled appropriately to the surrounding neighborhood, reflecting a low-to-mid-rise profile. The proposed uses of a social club and a banquet hall are consistent with the small-scale commercial areas outlined in the Comprehensive Plan.

- (2) *Traffic.* The generation, volume, and safety associated with the use and driveway location on adjacent roads, sidewalks, and trail connections.**

Vehicular access to the site is available from two points: one along Xerxes Ave and the other along 85th Ave. The Xerxes Ave access point is west of the property,

and it is shared with other tenants. The 85th Ave access point is north of the property, and it is a shared connection with the businesses located east and north of the property.

JC Rider shared in their application the following day-to-day operations overview:

Here's what our day-to-day operations look like:

Monday thru Thursday – someone may be in and out of the space to check on things or take inventory of cleaning supplies and toiletries. The 1st and 3rd Tuesdays of the month we hold our private club meetings between 7-8 p.m. (1-2 cars/bikes expected with the exception of bi-monthly meetings there could be 10-15 cars/bikes)

Friday and Saturday – private invite only gatherings for fellowship starting after 7 p.m. (20-30 cars/bikes anticipated)

Sunday – Cleaners (2-3 cars)

All other businesses are closed during the time we are occupying the space.

Because of the size of the organization and that traffic will happen outside of peak traffic hours, staff does not have concerns about traffic that will be generated at this location.

- (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's Transportation Engineer did not identify any issues after reviewing the above overview.

JC Rider also meets the zoning code surface parking space requirement of 1 space for each 2.5 seats based on the design capacity in the main assembly area for the proposed banquet hall use.

- (4) ***City Services.*** The provision of adequate public infrastructure to the site where the use is proposed.

Staff does not anticipate additional public services are needed.

- (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.

Because the project is proposed in an existing strip mall, as tenants of the strip mall, screening and landscaping standards are not applicable to the JC Rider's CUP application.

If there are screening and landscaping standard issues in the future, then City Staff will address the issues with the property owner.

- (6) ***Architectural standards.*** The degree that the site or building associated with the proposed use meets or exceed the architectural design standards for the

district in which it is located. The city may require additional architectural standards above those required in the specific zoning district.

JC Rider will be operating as tenants in an existing structure that was previously constructed in accordance with the applicable zoning and building codes.

If there are architectural standards issues in the future, then City Staff will address the issues with the property owner.

(7) *Other conditions of the city code. Compliance with any other applicable section of this chapter or the city code.*

Existing conditions of the site are consistent with City Code requirements

Staff Recommendation:

Staff recommends approval of a Conditional Use Permit for the operation of a social club and a banquet hall for private events 8432 Xerxes Ave N, subject to the following conditions:

1. Hours of operation are 7:00 a.m. until 1:00 a.m. Sunday through Thursday and 7:00 a.m. until 2:00 a.m. on Fridays and Saturdays, unless further restricted by an intoxicating liquor license
2. If serving and/or consuming alcohol, the business must maintain an intoxicating liquor license and remain in compliance with the requirements of that license.
3. Exterior sound amplification is prohibited after 10:00 p.m. daily. When allowed, music must be kept at a conversational level and not audible from surrounding residential properties. Speakers must be directed away from residential areas.
4. Alcohol service is limited to the interior of the building.
5. A Certificate of Occupancy must be obtained from the City's Building Department prior to operation.
6. Signage must comply with all requirements of City Code Chapter 150: Signs.
7. This resolution must be recorded with the Hennepin County Recorder's office.
8. 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.

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:

- 4.1A RESOLUTION
- 4.1B LOCATION MAP
- 4.1C APPLICANT SUBMISSION
- 4.1D PC MINUTES

RESOLUTION #2025-

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A SOCIAL CLUB
AND A BANQUET HALL FOR PRIVATE EVENTS AT 8432 XERXES AVE N

Planning Commission File # 25-101

WHEREAS, Dyshawn Mitchell, of JC Rider, has made an application for a Conditional Use Permit under the provisions of Chapter 152 of the Code of Ordinances on property legally described as:

See EXHIBIT A

WHEREAS, the definition of an Assembly, Banquet, Convention Hall, or Conference Center in Section 152.105 of the Code of Ordinances limits the use of the property to private events; and

WHEREAS, the definition of a Social Club in Section 152.105 of the Code of Ordinances says that the establishment may be open to the public or by private membership; and

WHEREAS, a Banquet, Convention Hall, or Conference Center is allowed as a conditional use in the Neighborhood Retail Business (B-2) zoning district; and

WHEREAS, a Social Club is allowed as a conditional use in the Neighborhood Retail Business (B-2) zoning district; and

WHEREAS, the matter has been referred to the Planning Commission public hearing 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 granted for the operation of a social club and a banquet hall for private events 8432 Xerxes Ave N, subject to the following conditions:

1. Hours of operation are 7:00 a.m. until 1:00 a.m. Sunday through Thursday and 7:00 a.m. until 2:00 am on Fridays and Saturdays, unless further restricted by an intoxicating liquor license
2. If serving and/or consuming alcohol, the business must maintain an intoxicating liquor license and remain in compliance with the requirements of that license.
- 3.. Exterior sound amplification is prohibited after 10:00 PM daily. When allowed, music must be kept at a conversational level and not audible from surrounding residential properties. Speakers must be directed away from residential areas.
4. Alcohol service is limited to the interior of the building.
5. A Certificate of Occupancy must be obtained from the City's Building Department prior to operation.
6. Signage must comply with all requirements of City Code Chapter 150: Signs.

7. This resolution must be recorded with the Hennepin County Recorder's office.
8. 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.

EXHIBIT A

Lot 2, Block 1, Xerxes Phoenix Addition, Hennepin County, Minnesota

JC Riders
8432 Xerxes Ave N
Brooklyn Park, MN 55428

October 18th, 2024

City of Brooklyn Park
5200 85th Avenue North
Brooklyn Park, MN 55428

Dear City of Brooklyn Park and others whom it may concern,

I am writing to introduce you to JC Riders Motorcycle Club, a non-profit organization based in Brooklyn Park. Our club is dedicated to promoting a positive image of motorcycling and supporting our community through various activities and charitable events.

Our club consists of 32 members, many of whom are veterans of the United States Marine Corps, Army and Navy. We are proud to have served our country and continue to serve our community through our club's activities. Our members' military backgrounds have instilled in us a strong sense of loyalty, camaraderie, and commitment to service.

In addition to our military backgrounds, many of our members are also dedicated public servants and community leaders. We have members who are federal and state employees, schoolteachers, and also local business owners.

We all share a passion for motorcycling and giving back to the community. We organize regular group rides, toy drives, and social events to promote camaraderie and responsible motorcycling practices.

Some of our key activities and initiatives include:

- Organizing charity rides and fundraisers to support local food banks, families in need, and other community organizations
- Participating in motorcycle safety awareness campaigns and promoting responsible riding practices
- Supporting local businesses and promoting economic growth in Brooklyn Park
- Participating in patriotic events honoring those who have served our nation.

Here's what our day to day operations look like:

Monday thru Thursday – someone may be in and out of the space to check on things or take inventory of cleaning supplies and toiletries. The 1st and 3rd Tuesdays of the month we hold our private club meetings between 7-8pm (1-2 cars/bikes expected with the exception of bi-monthly meetings there could be 10-15 cars/bikes)

Friday and Saturday – private invite only gatherings for fellowship starting after 7pm. (20-30 cars/bikes anticipated)

Sunday – Cleaners (2-3 cars)

All other businesses are closed during the time we are occupying the space.

We are proud to call Brooklyn Park our home and are committed to making a positive impact in our community. We believe that our club's values align with the city's goals of promoting community engagement, public safety, and economic development.

Thank you for your time and consideration.

Sincerely,

Dyshawn Mitchell

President, JC Riders

UNAPPROVED MINUTES**MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – February 12, 2025****5. PUBLIC HEARING****5.2 Planning Case #25-101 (JC Riders) – Conditional Use Permit Planning Application
at 8432 Xerxes Avenue N.**

Associate Planner Hayes-Regan introduced the application from JC Riders for a Conditional Use Permit (CUP) at the property at 8432 Xerxes Avenue N. He stated that this request would bring the site into compliance as there has never been a CUP for a social club or banquet center for this property. He provided details on the site and surrounding properties, including zoning. He stated that staff recommend approval of the request with the conditions in the draft resolution, noting the addition of another condition that a Certificate of Occupancy must be obtained from the City's Building Department prior to operation.

Commission Chair Cavin opened the public hearing.

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

Commissioner Udomah commented that he welcomes businesses to Brooklyn Park. He asked for more details on the definition of social club.

Associate Planner Hayes-Regan replied that the primary function would be a motorcycle club, and the majority of patrons are military veterans. He commented that this would be a private organization that would also hold some events.

Planning Director Mogush stated that the CUP is for both a social club and banquet hall. He stated that the banquet hall would allow the applicant to hold events that could be open to the public or that space could be rented by the public.

Commissioner Udomah asked if the organization holds a liquor license.

Associate Planner Hayes-Regan replied that there is not currently a liquor license for this property, and that is not being considered tonight.

Commissioner Wako referenced the use of the term nonprofit and asked for more information. He asked if there has been any feedback from the adjacent property owners or businesses, noting the proposed hours of operation.

Associate Planner Hayes-Regan replied that public hearing notices were sent to everyone within 500 feet. He noted that one call was received from the HOA President, and the agenda materials were sent to that individual, but no follow-up questions or comments were received.

Deshaun Mitchell, JC Riders, commented that many of the members are veterans and take pride in serving the community. He provided examples of different things the group does to support the community. He stated that they do lease out the space to third parties, such as birthday parties.

Commissioner Wako noted the current membership of 32 members and asked if those charity events are also open to the public.

Mr. Mitchell replied that the events are open to the public.

Commissioner Wako asked how the banquet hall would be used and whether that would only be available to members.

Mr. Mitchell replied that the banquet hall would be available to rent by third parties, as mentioned for birthday parties.

Commissioner Korosso referenced the letter submitted by the applicant that mentioned key activities, which mention private gatherings for fellowship and asked for more details.

Mr. Mitchell replied that would be for members to gather in attempt to make the organization better and discuss how they could better themselves and the community.

Commissioner Korosso asked if the fellowship is religious, or training related.

Mr. Mitchell replied that it is spiritual, even though members have different backgrounds. He stated that they do not preach the bible and are more about positivity and doing good.

Commissioner Gaye-Bai asked if the organization has other locations outside of Brooklyn Park.

Mr. Mitchell replied that currently, it is just the one location, but they are growing. He compared the use to a VFW.

Commissioner Gaye-Bai asked if members would have to register.

Mr. Mitchell replied that the members are registered, and they do have a Board and Committee, but they are a new organization and still working out details as they grow.

Commissioner Arah asked the size of the banquet hall.

Associate Planner Hayes-Regan replied that the size to be leased is to be determined. He stated that the final square footage would be determined in the building application.

Commissioner Wako asked and received confirmation that the nonprofit is registered with a 501-3C designation.

MOTION UDOMAH, SECOND GAYE-BAI, TO RECOMMEND APPROVAL OF A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A SOCIAL CLUB AND A BANQUET HALL FOR PRIVATE EVENTS AT 8432 XERXES AVENUE N., SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION INCLUDING THE FOLLOWING CONDITION: A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED FROM THE CITY'S BUILDING DEPARTMENT PRIOR TO OPERATION.

MOTION CARRIED UNANIMOUSLY.

Associate Planner Hayes-Regan stated the public hearing item is scheduled to be reviewed at the City Council meeting on February 24, 2025.

City of Brooklyn Park Request for Council Action			
Agenda Item:	4.2	Meeting Date:	February 24, 2025
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Cara Donovan, Senior Planner
Ordinance:	N/A		
Attachments:	5	Presented By:	Paul Mogush, Planning Director
Item:	True Blue Variance for Free-Standing Signs on a Property Zoned B-3 – General Business District		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ ADOPTING FINDINGS OF FACT FOR THE APPROVAL OF A VARIANCE REQUEST FOR FREE-STANDING SIGNS AT 8555 EDINBURGH CENTRE DR N.

Overview:

This request is for a variance for the construction of three 12-foot free-standing signs located at 8555 Edinburgh Centre Dr N.

Planning Commission:

The Brooklyn Park Planning Commission heard this request at the February 12, 2025 Planning Commission Regular Meeting. The Planning Commission voted unanimously (6-0) to recommend approval of this application. A public hearing was held, and no members of the community spoke on this request.

Current Conditions:

Planning and Zoning Information		
	Current	Proposed
Land Use Plan	Community Commercial	Community Commercial
Current Zoning	B3 – General Business District	B3 – General Business District
Site Area	1.857 acres	
Neighborhood	Edinburgh	Edinburgh
Conforms to	Land Use Plan – Yes Zoning Code – Yes	
Public Notice	Notices were mailed to 66 properties within 500 feet. Legal notice was published in the Sun Post on January 30, 2025. A Neighborhood email was sent to the Edinburgh Neighborhood.	
60-Day	February 11, 2025	
120-Day	April 12, 2025	

Previous Approvals:

Edinburgh Center 2nd Addition was approved in 1996 as Planning Case 96-113, with a CUP for the operation of a grocery store as Planning Case 96-116.

Planning Case 09-111 was approved for a Conditional Use Permit to fill the wetland on this site to allow for an additional buildable lot for a future commercial lot.

Planning case 22-122 was approved for the re-platting of existing lots to reconfigure for a new buildable lot in anticipation of proposed development.

A site plan and conditional use permit for a car wash were approved for this property on February 26, 2024.

Ten directional signs were approved on November 19, 2024. While not approved there is an active application for a monument sign.

Current Conditions:

This site is under construction for a new building, parking lot, and site circulation.

Land Use/Zoning (and Overlay):

This property is zoned B-3 – General Business District and is guided Community Commercial by the 2040 Comprehensive Plan.

Proposed Development:

The applicant is proposing three 12-foot free-standing signs which would also serve as clearance bars to ensure that oversized vehicles do not enter the car wash. The variance request for free-standing signs would require a deviation from City Code Chapter 150, Section 150.28(A)(1) to exceed the number of allowable free-standing or monument signs and 150.04(D) to exceed the height restriction of 6-feet above grade for free-standing signs.

Variance:

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 findings of fact 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 applicant states that this variance request is reasonable and the applicant is being restricted by the definition of a directional sign. The applicant is proposing to install a clearance bar on a structure to ensure that oversized vehicles do not attempt to enter the carwash.

Staff response: The free-standing signs are reasonable to support the business.

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 applicant states that as a car wash the signage is needed to ensure that vehicles under 7 feet, 2 inches are only allowed to proceed to the car wash entrance.

Staff response: The unique nature of a car wash makes the request for free-standing signs directing drivers reasonable.

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 applicant states that the proposal will not alter the essential character of the area as these signs are meant for drivers that are already on the property and not for drivers on the public roadway.

Staff response: The approval of this application would not alter the character of the neighborhood. The property is surrounded on all sides by B-3 zoned properties. The request is compatible with the intent prescribed in the comprehensive plan and zoning ordinance.

The required findings of §150.08 have been addressed and Staff recommends approval of the variance request.

Conditions of Approval:

Staff recommends the adoption of a resolution subject to the conditions as listed in the resolution.

Primary Issues/Alternatives to Consider:

1. Recommend approval of the variance request as presented.
2. Recommend approval of the variance request with modifications.
3. Recommend denial the proposal based on certain findings.

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.2A RESOLUTION
- 4.2B FINDINGS OF FACT
- 4.2C LOCATION MAP
- 4.2D PLANNING COMMISSION MINUTES
- 4.2E PLAN SET

RESOLUTION #2025-

RESOLUTION ADOPTING FINDINGS OF FACT FOR THE APPROVAL OF A VARIANCE
REQUEST FOR FREE-STANDING SIGNS AT 8555 EDINBURGH CENTRE DR N.

Planning Commission File #25-102

WHEREAS, Municipal Resolutions, on behalf of True Blue, has made an application for a Variance under the provisions of Chapter 150 of the City Code at 8555 Edinburgh Centre Dr N and legally described as:

LOT 3, BLOCK 1, EDINBURGH CENTER THIRD ADDITION, 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 free-standing signs would require a deviation from City Code Chapter 150, Section 150.28(A)(1) to exceed the number of allowable free-standing or monument signs and 150.04(D) to exceed the height restriction of 6-feet above grade for free-standing signs; and

WHEREAS, the Planning Commission held a public hearing on February 12, 2025; 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 additional free-standing signs and free-standing signs that exceed height allowance, and finds the request:

1. Is not in conflict with the purposes and intent of the ordinance and comprehensive plan.
2. The free-standing signs are reasonable to support the business.
3. The request for free-standing signs to direct drivers is reasonable.
4. The approval of this application would not alter the character of the neighborhood.

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

The application to issue a variance for the construction of three free-standing signs with a height of 12-feet would require a deviation from City Code Chapter 150, Section 150.28(A)(1) to exceed the number of free-standing and monument signs and 150.04(D) to exceed the height restriction of 6-feet above grade for free-standing signs, is hereby approved subject to the conditions listed below.

1. Sign permits cannot be issued until bonding and escrow has been established for Planning Case 24-101.
2. A building permit must be approved for the free-standing signs.

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.

PRACTICAL DIFFICULTIES

We propose to use the property in a reasonable manner. We feel that we are being restricted by the definition of a directional sign. We are proposing to install a clearance bar on a structure to ensure that oversized vehicles don't attempt to enter the car wash.

The plight of the landowner is that because it is a car wash, we need to have signage that ensures that vehicles under 7'2" are only allowed to proceed to the car wash entrance.

It will not alter the essential character of the area as this sign is meant for drivers that are already on the lot and not for drivers on the public roadway.



Variance to Zoning Code
Case #25-102 – True Blue - Clean Freak
Area of Request (August 2023 Air Photo)
8555 Edinburgh Centre Dr N

Brooklyn Park 



**UNAPPROVED MINUTES****MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – February 12, 2025****5. PUBLIC HEARING****5.1 Planning Case #25-102 (True Blue – Clean Freak) – Variance Planning Application
at 8555 Edinburgh Centre Drive N.**

Senior Planner Donovan introduced the application for a variance request from True Blue for three freestanding signs. She provided details on the subject site and adjacent properties as well as zoning information. She stated that a carwash use has been approved for the site, and the applicant is requesting three freestanding signs that would direct traffic and ensure vehicles are not oversized for the wash. She reviewed the variance criteria and related findings, noting that staff recommend approval of the request. She noted that the applicant is online and available for any questions.

Acting Commission Chair Fraser opened the public hearing.

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

Commissioner Wako asked if there are any freestanding signs on the site already.

Senior Planner Donovan replied that there is currently development on-site per the preapproved site plan, but no signs have been installed.

Commissioner Gaye-Bai asked if the site is within a residential or business area.

Senior Planner Donovan replied that the site is within the business district, surrounded by commercial properties.

Acting Commission Chair Fraser asked if it is common to exceed the six feet in height for this type of signage, recognizing that this is a clearance type of sign. She stated that if this is a common type of sign for businesses, perhaps a review of the zoning would be needed.

Senior Planner Donovan replied that staff would be doing a review of the sign code as they continue to see more requests of this type for clearance bars.

Commissioner Gaye-Bai asked if the traffic generated from this business has been reviewed.

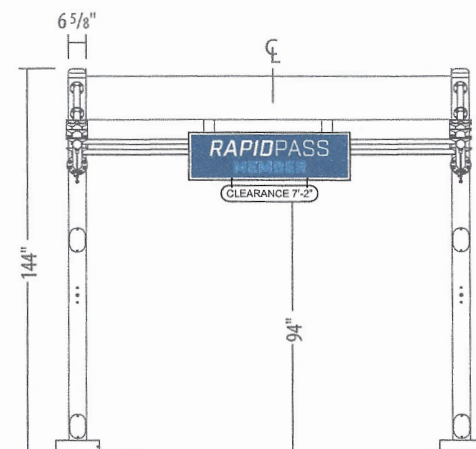
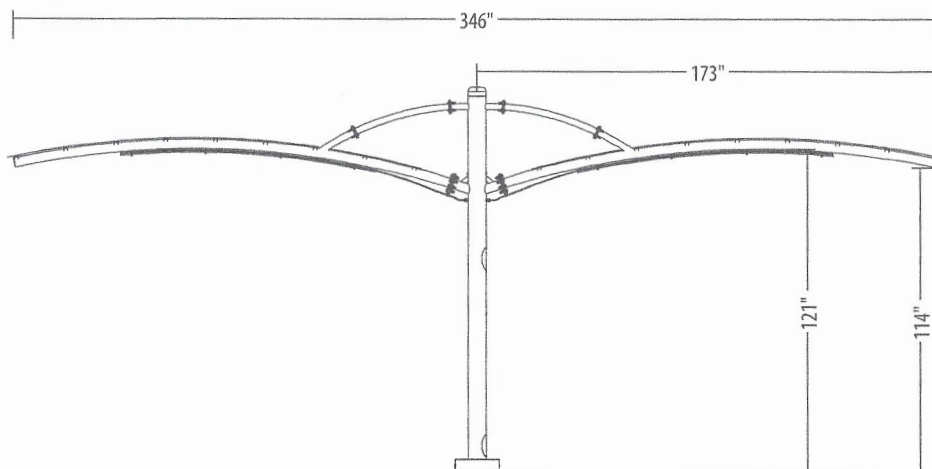
Senior Planner Donovan replied that the site plan was reviewed and approved in February of 2024, and the only request being reviewed tonight is the sign variance.

MOTION WAKO, SECOND UDOMAH, TO RECOMMEND APPROVAL OF FINDINGS OF FACT FOR THE APPROVAL OF A VARIANCE REQUEST FOR FREE-STANDING SIGNS, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION CARRIED UNANIMOUSLY.

Senior Planner Donovan stated the public hearing item is scheduled to be reviewed at the City Council meeting on February 24, 2025.

DIRECTIONAL KIOSK SIGNS



ELEVATION VIEW
SCALE: 1/4"=1'-0"



**CORPORATE
IDENTIFICATION
SOLUTIONS**

CUSTOMER
CLEAN FREAK

SITE NUMBER
0000

LOCATION
BROOKLYN PARK, MN

ACCOUNT REP
BEN DEHAYES

DRAWN BY
GC

DATE
01/16/25

REVISION
00

SCALE
NTS

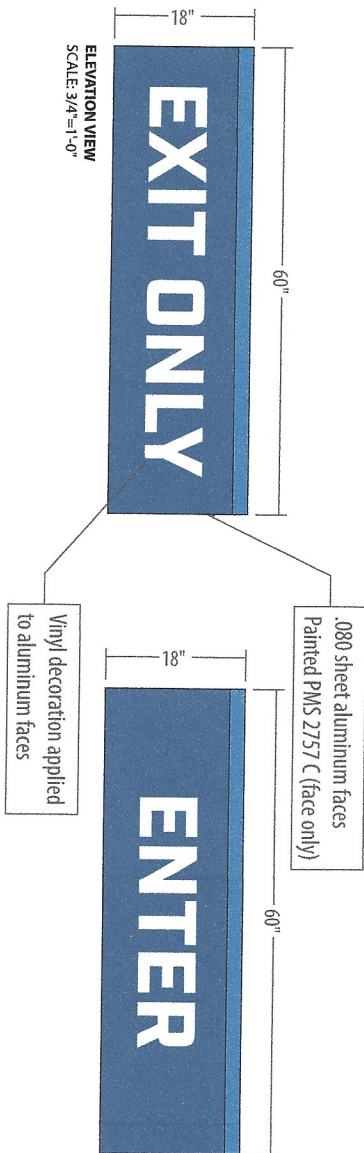
CORPORATE ID SOLUTIONS
5563 N ELSTON AVE.
CHICAGO, IL 60630
P: 773-763-9600 | F: 773-763-9606
CORPORATEIDSOLUTIONS.COM

CUSTOMER ACCEPTANCE

THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC., CHICAGO, IL, AND CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING IS TRANSFERRED TO THE CUSTOMERS AND SUPPLIERS OF CORPORATE IDENTIFICATION SOLUTIONS, INC. BY WAY OF LOAN. THIS DRAWING MAY NOT BE COPIED OR REPRODUCED, IN WHOLE OR IN PART, NOR MAY IT OR THE INFORMATION IT CONTAINS BE DISCLOSED OR TRANSFERRED TO ANY OTHER PARTY OR PERSONS WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.

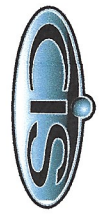
SIGNATURE _____ **DATE** _____

DIRECTIONAL PORTAL SIGNS



- 3M REFLECTIVE VINYL
- 3M 3630-137 EUROPEAN BLUE VINYL
PANTONE® 2757 C
- 3M 3630-147 LIGHT EUROPEAN BLUE VINYL
PANTONE® 7690 C

SIDE VIEW
SCALE: 1-1/2"=1'-0"



CORPORATE IDENTIFICATION SOLUTIONS

CUSTOMER
CLEAN BREAK
SITE NUMBER
0000

LOCATION
BROOKLYN PARK, MN
ACCOUNT REP
BEN DEHAVES

DRAWN BY
GC
DATE
01/16/25

REVISION
00
SCALE
NTS

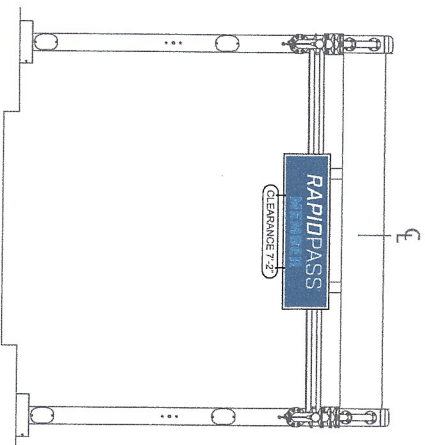
CORPORATE ID SOLUTIONS
5563 N ELSTON AVE
CHICAGO, IL 60630
P: 773-763-9600 | F: 773-763-9606
CORPORATEIDSOLUTIONS.COM

CUSTOMER ACCEPTANCE
THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC. CHICAGO, IL. ANY CONTAINING PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING IS TRANSFERRED TO THE CUSTOMER AND SUPPLIERS OF CORPORATE IDENTIFICATION SOLUTIONS, INC. IN FULL. NO PART OF THIS DRAWING MAY BE COPIED OR REPRODUCED IN WHOLE OR IN PART, NOR MAY IT OR THE INFORMATION IT CONTAINS BE DISCLOSED OR TRANSMITTED TO ANY OTHER PARTY OR PERSONS WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.

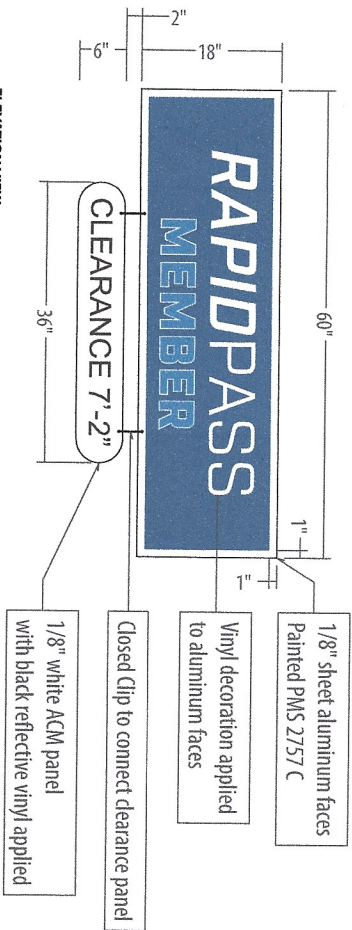
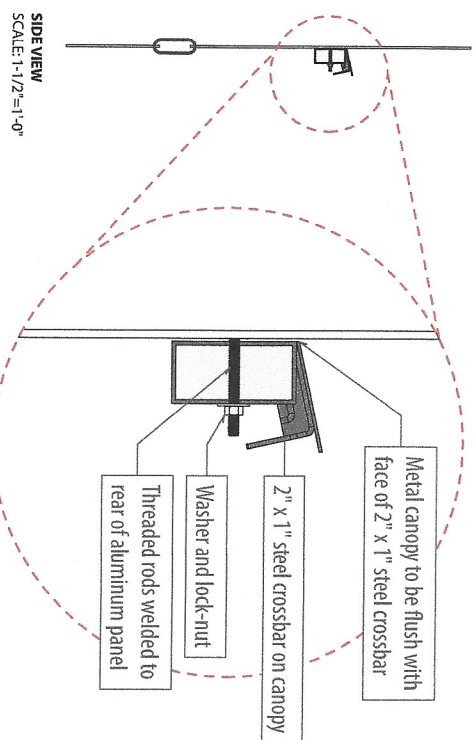
SIGNATURE _____ DATE _____

DATE

DIRECTIONAL KIOSK SIGNS

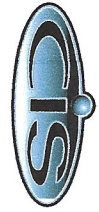


- 3M WHITE REFLECTIVE VINYL
- 3M BLACK REFLECTIVE VINYL
- 3M 3630-137 EUROPEAN BLUE VINYL
PANTONE® 2757 C
- 3M 3630-147 LIGHT EUROPEAN BLUE VINYL
PANTONE® 7690 C



ELEVATION VIEW
SCALE: 3/4"=1'-0"

REAR VIEW
SCALE: 3/4"=1'-0"



**CORPORATE
IDENTIFICATION
SOLUTIONS**

CUSTOMER
CLEAN BREAK

LOCATION
BROOKLYN PARK, MN

ACCOUNT REP
BEN DEHAJES

SITE NUMBER
0000

DRAWN BY
GC

DATE
01/16/25

REVISION
00

SCALE
NTS

CORPORATE ID SOLUTIONS
5563 N. ELSTON AVE.
CHICAGO, IL 60630
P: 773-763-9600 | F: 773-763-9606
CORPORATEIDSOLUTIONS.COM

CUSTOMER ACCEPTANCE

THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC., CHICAGO, IL, AND CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING IS LOANED TO THE CUSTOMER AND SUPPLIERS OF CORPORATE IDENTIFICATION SOLUTIONS, INC. BY WAY OF CONTRACT AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.

SIGNATURE _____ DATE _____

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	February 24, 2025
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Malcolm Hicks, Business Development Coordinator & Interim Economic Development and Housing Director
Ordinance:	N/A		
Attachments:	1	Presented By:	Malcolm Hicks
Item:	Resolution Authorizing Acceptance of The Workforce Development and Brooklyn Park Small Business Center SFY 2025 Direct Appropriation Grant (#5CBP6300)		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ AUTHORIZING ACCEPTANCE OF THE WORKFORCE DEVELOPMENT AND BROOKLYN PARK SMALL BUSINESS CENTER SFY 2025 DIRECT APPROPRIATION GRANT (#5CBP6300).

Overview:

The State of Minnesota's Department of Employment and Economic Development (DEED) has awarded the City of Brooklyn Park the SFY 2025 Direct Appropriation Grant (#5CBP6300), with a grant period from August 10, 2024, to June 30, 2027. This grant aims to support small business services and workforce development programs for underrepresented populations in Brooklyn Park and Brooklyn Center.

The grant will fund two key initiatives. First, the Workforce Development (BrookLynk Program) will provide work readiness training, paid internships, career coaching, and adult career pathways programs. It aims to serve over 500 youth (ages 14-24) and 50+ adults (ages 18 and older) annually. The program will expand youth entrepreneurship and construction & trades career pathways while engaging more than 30 employer partners to provide job opportunities and career training.

Second, the Brooklyn Park Small Business Center (BPSBC) will support entrepreneurs by offering affordable office spaces, business resources, and networking opportunities. The center focuses on accessibility, multicultural inclusivity, and economic empowerment, serving businesses in Brooklyn Park across diverse industries.

The grant's geographic focus includes Brooklyn Park and Brooklyn Center, designated as concentrated areas of poverty by the Metropolitan Council. It targets BIPOC individuals, low-income residents, and those facing employment barriers. Recruitment efforts will be strengthened through partnerships with local schools, community organizations, and government agencies, with the support of referral partners and program alumni (BrookLynk Ambassadors). Employer engagement will also be prioritized to create equitable career pipelines and job placements.

Implementation of this grant will be overseen by both Workforce Development and Economic Development and Housing staff, in collaboration with educational institutions and business networks. A data-driven approach will be employed to monitor workforce trends and ensure the success of economic development efforts. This grant will enable Brooklyn Park to enhance economic opportunities for its residents, strengthen workforce participation, and support small businesses in a growing and diverse community.

Primary Issues/Alternatives to Consider:

The City Council approval is required as a part of the grant administration.

Budgetary/Fiscal Issues:

The grant amount awarded is for the maximum of \$950,000. The total cost to the project is estimated to be \$950,000 shared evenly between Workforce Development and the Brooklyn Park Small Business Center. The City of Brooklyn Park will not incur any direct costs in accepting these funds.

Attachments:

4.3A RESOLUTION

RESOLUTION #2025-

RESOLUTION AUTHORIZING ACCEPTANCE OF THE WORKFORCE DEVELOPMENT AND BROOKLYN PARK SMALL BUSINESS CENTER SFY 2025 DIRECT APPROPRIATION GRANT (5CBP6300).

WHEREAS, the State of Minnesota's Department of Employment and Economic Development (DEED) has awarded the City of Brooklyn Park (the "City") the SFY 2025 Direct Appropriation Grant (#5CBP6300) to support small business services and workforce development programs for underrepresented populations in Brooklyn Park and Brooklyn Center (the "Project"); and

WHEREAS, the total cost of the Project including work readiness training, paid internships, career coaching, and adult career pathways programs, and support for entrepreneurs by offering affordable office spaces, business resources, and networking opportunities in Brooklyn Park is estimated to be \$950,000; and

WHEREAS, DEED has approved the City's application the SFY 2025 Direct Appropriation Grant (#5CBP6300) in the amount of \$950,000 (the "Grant") to assist in financing the Project.

NOW, THEREFORE, BE IT RESOLVED BY the City Council (the "Council") of the City of Brooklyn Park, Minnesota as follows:

1. The Council hereby accepts the Grant in the amount of \$950,000 and authorizes the Mayor and City Manager of the City to negotiate and execute a Grant Agreement consistent with this resolution and not detrimental to the City's interests and approved by the City Attorney and the City Manager.
2. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Council by any duly designated acting official, or by such other officer or officers of the Council as, in the opinion of legal counsel to the City, may act in their behalf.
3. City staff, officials, consultants and legal counsel for the City are further directed and authorized to take all actions necessary to implement this Resolution and to carry out, on behalf of the City, the City's obligations under this Resolution and the Grant Agreement and Subrecipient Agreement when all conditions precedent thereto have been satisfied and the City's City Manager is authorized to execute such consents and instruments as are necessary in connection therewith including without limitation any actions required by the Grant Agreement.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	February 24, 2025
Agenda Section:	Consent	Originating Department:	Operations & Maintenance – Engineering Services Division
Resolution:	X	Prepared By:	Jeff Holstein, City Transportation Engineer
Ordinance:	N/A		
Attachments:	3	Presented By:	Marc Culver, City Engineer
Item:	Approve Conveyance of Permanent and Temporary Easements at 7608 Brooklyn Boulevard to Hennepin County and the Final Concept Plan for the Brooklyn Boulevard / Welcome Avenue Intersection Reconstruction Project, CIP 4060		

City Manager's Proposed Actions:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-____ APPROVING THE CONVEYANCE OF PERMANENT AND TEMPORARY EASEMENTS AT 7608 BROOKLYN BOULEVARD TO HENNEPIN COUNTY AND THE FINAL CONCEPT PLAN FOR THE BROOKLYN BOULEVARD / WELCOME AVENUE INTERSECTION RECONSTRUCTION PROJECT, CIP 4060

Overview:

Hennepin County is requesting the City dedicate permanent and temporary easements across the south and eastern edges of 7608 Brooklyn Boulevard to the County as part of the Brooklyn Boulevard / Welcome Avenue Intersection Reconstruction Project. The city is currently working with Hennepin County to reconstruct the Brooklyn Blvd / Welcome Avenue intersection in the 2026/2027 timeframe. Hennepin County is leading this project and owns and maintains Brooklyn Blvd (CSAH 152). The project team has identified improvements to the intersection to improve safety and efficiency and has a Final Concept Plan. Implementation of the Plan requires some permanent and temporary easements from the City. The easements will allow trails, sidewalks, utilities and traffic signal items. The easements for the project are necessary from the northwest corner (7608 Brooklyn Boulevard), the two Economic Development Authority (EDA) owned parcels on the Southwest and Southeast corners and from the Aldi's Grocery on the Northeast quadrant. The EDA approved the conveyance of the necessary easements for the southeast and southwest corners to Hennepin County at their February 18, 2025 meeting.

The intersection of Brooklyn Blvd (CSAH 152) and Welcome Ave experiences a high rate of crashes, ranking within the top 25 intersections in Hennepin County for crashes involving pedestrians as well as for crashes of all types. Hennepin County scoped a safety improvement project at Brooklyn Blvd and Welcome Ave intersection and submitted the project as a candidate for Highway Safety Improvement Program (HSIP) funding. The project was awarded Federal HSIP funding in the amount of \$1,872,000 for FY 2027. The City of Brooklyn Park was in close coordination with the county and expressed support for the project.

Staff have determined these easements are reasonable and EDA / City dedication is consistent with other similar County projects. The dedication from the City owned 7608 Brooklyn Boulevard parcel is minor and encompasses the existing and/or proposed infrastructure and a bit more as some of the existing sidewalks and benches/walls are currently on City property. City Engineering has contacted the City Police Department regarding this issue as the parcel is used for the Police Department South Precinct. City Police indicated they find the final concept plan and the easement dedications acceptable. Staff recommend council approval of the easement conveyances and the final concept plan.

Primary Issues/Alternatives to Consider:

The scope of the project is to improve safety, comfort and accessibility for all modes of transportation through the intersection of Brooklyn Boulevard and Welcome Ave. Proposed improvements include:

- Curb extensions to promote traffic calming and reduce crossing distance for pedestrians
- Upgrading the ADA facilities such as curb ramps and Accessible Pedestrian Signals (APS) to improve accessibility for pedestrians particularly those with limited mobility
- Realignment of the medians to create a positive offset for left-turn lanes to improve the sight distance for drivers making left turns
- Upgrading the existing signal system to the latest standards
- Lighting upgrades to ensure adequate nighttime visibility

If the dedication of the three City owned parcels is approved, the County will prepare the necessary easement documents for City execution and subsequently record these documents with the Hennepin County Recording Office. The County will also proceed with the easement acquisition process for the Aldi parcel. This may take up to six months. The County and the project consultant will also start preparing the 30% design plans for the project. The city will have opportunities to comment on the specific elements of the design plans. The county will ultimately prepare a Cooperative Construction Agreement covering construction, maintenance and funding responsibilities and the City will have an opportunity to review and comment prior to approval. The project is currently expected to start construction in 2026 or 2027 and be completed in one year. The temporary easements will expire approximately two years after the project start.

Budgetary/Fiscal Issues:

The county's efforts securing the HSIP funding grant lower the expected City's participation on this project from \$753,133 to \$172,813. If the city does not dedicate the easements, certified appraisals and attorney fees will be necessary for the three city parcels and these fees will be split (50/50) with the county resulting in a higher project cost for the city. The City would pay for our share of the costs with State Aid funds.

Attachments:

- 4.4A RESOLUTION
- 4.4B REQUESTED EASEMENTS FIGURE
- 4.4C FINAL CONCEPT PLAN

RESOLUTION #2025-

RESOLUTION APPROVING THE CONVEYANCE OF PERMANENT AND TEMPORARY EASEMENTS AT
7608 BROOKLYN BOULEVARD TO HENNEPIN COUNTY AND THE FINAL CONCEPT PLAN FOR THE
BROOKLYN BOULEVARD / WELCOME AVENUE INTERSECTION RECONSTRUCTION PROJECT, CIP
4060

WHEREAS, Hennepin County owns and maintains Brooklyn Boulevard/C.S.A.H. No. 52 within the City, and identified the intersection of Brooklyn Boulevard (County State Aid Highway No. 152) and Welcome Avenue within the City (the "Intersection") as a candidate for the Highway Safety Improvement Program, and submitted for federal funding in order to improve safety and efficiency at the Intersection (the "Project"), and

WHEREAS, the City supported the Project and coordinated with Hennepin County, and the Project was approved for such federal Highway Safety Improvement Program funds, and

WHEREAS, the City owns certain property in the northwest corner of the Intersection, addressed as 7608 Brooklyn Boulevard (PID No. 28-119-21-21-0003 (the "City Property")), and

WHEREAS, the Project requires the City to dedicate certain temporary and permanent easements, including those for trails, sidewalks, utilities, and traffic signals on the respective City Property to complete the safety improvements part of the Project, and

WHEREAS, the City Engineer has reviewed the Final Concept Plan and the County requested easements and finds all to be reasonable and in conformance with the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. That the easements over the above described property be conveyed to Hennepin County.
2. That the City approves the Final Concept Plan.
3. The Mayor and City Manager are authorized to execute the necessary easement documents on behalf of the City when the documents are ready.








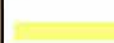


REQUESTED EASEMENTS FIGURE

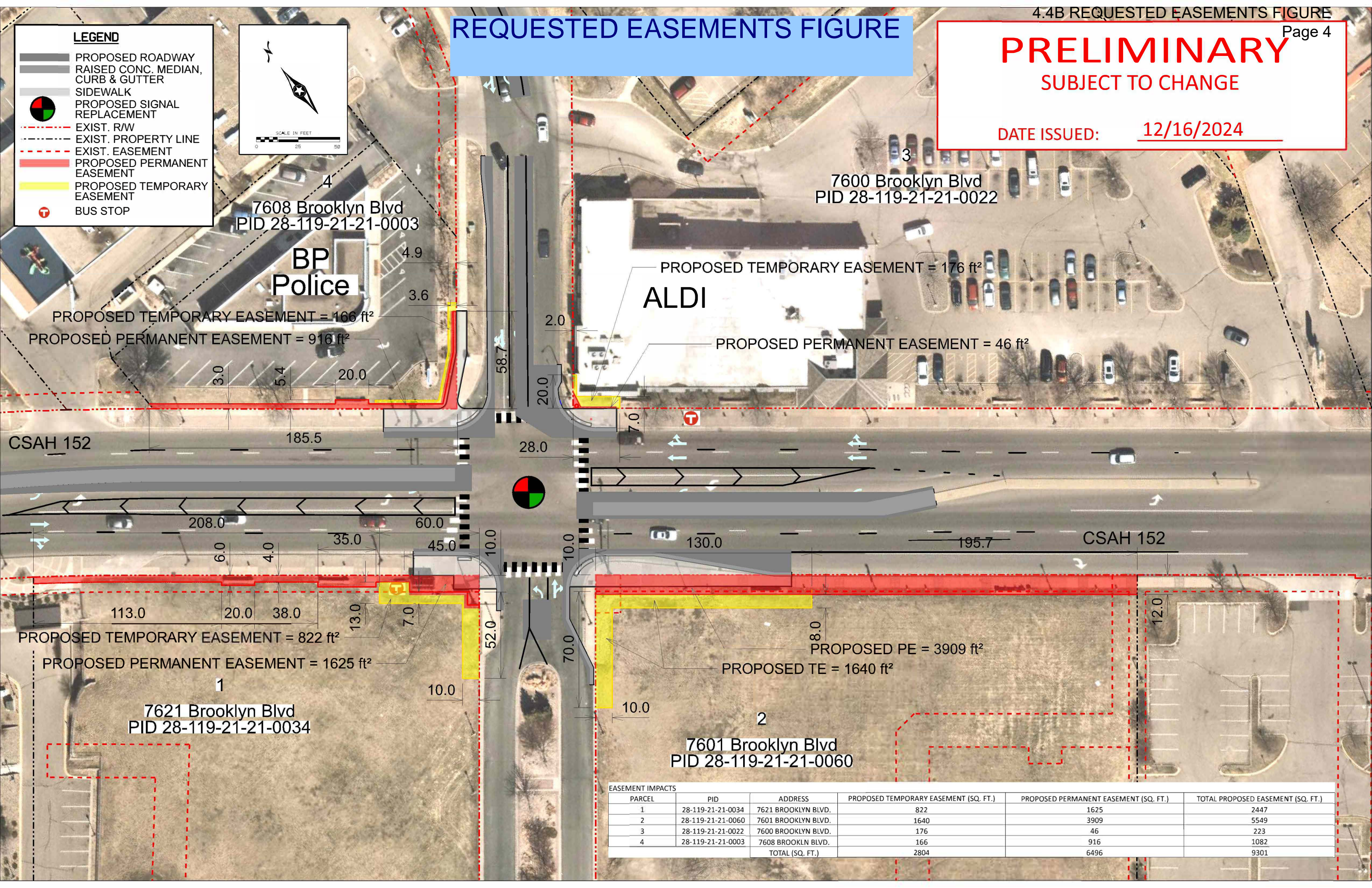
PRELIMINARY

SUBJECT TO CHANGE

DATE ISSUED: 12/16/2024

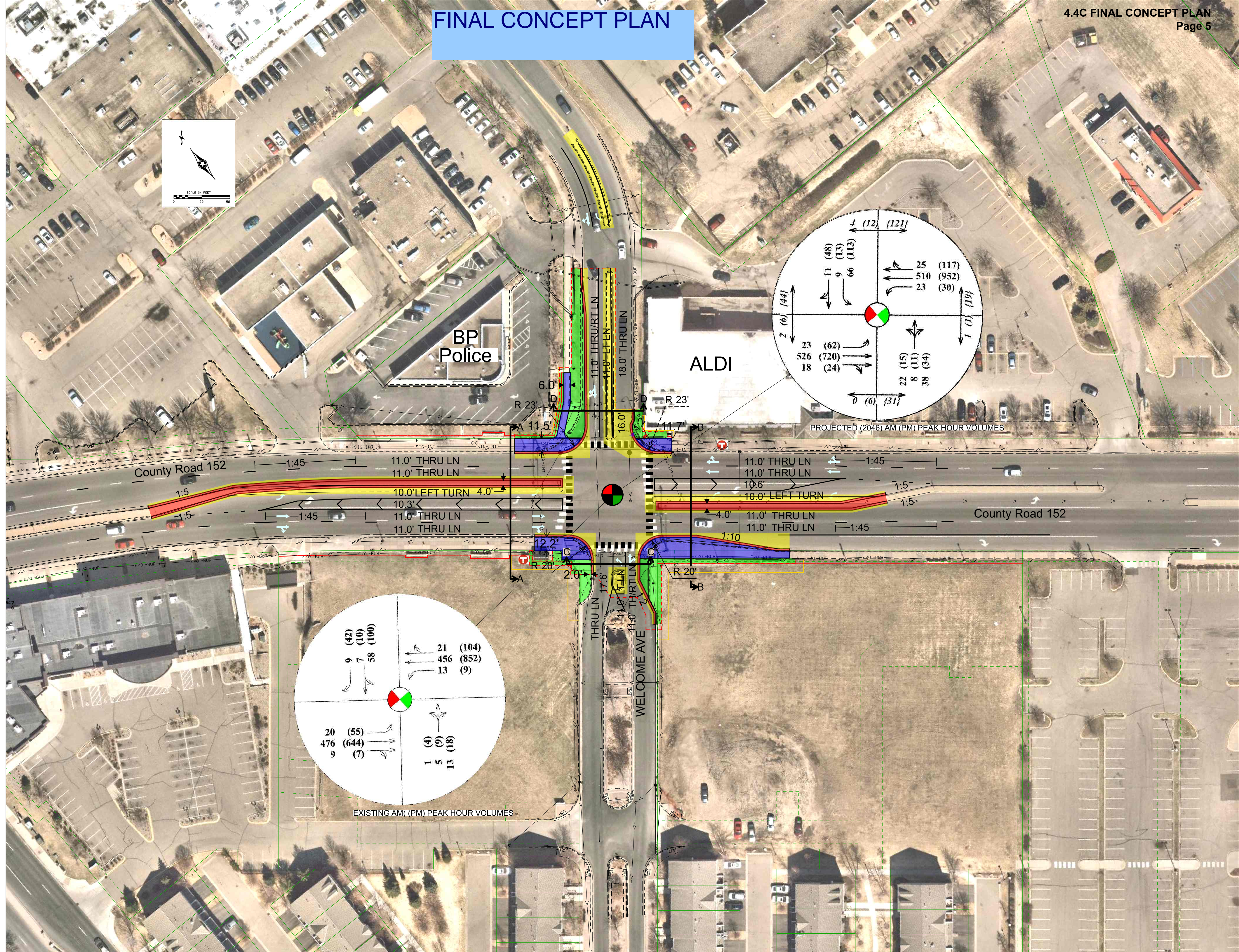
LEGEND

-  PROPOSED ROADWAY
-  RAISED CONC. MEDIAN, CURB & GUTTER
-  SIDEWALK
-  PROPOSED SIGNAL REPLACEMENT
-  EXIST. R/W
-  EXIST. PROPERTY LINE
-  EXIST. EASEMENT
-  PROPOSED PERMANENT EASEMENT
-  PROPOSED TEMPORARY EASEMENT
-  BUS STOP

EASEMENT IMPACTS					
PARCEL	PID	ADDRESS	PROPOSED TEMPORARY EASEMENT (SQ. FT.)	PROPOSED PERMANENT EASEMENT (SQ. FT.)	TOTAL PROPOSED EASEMENT (SQ. FT.)
1	28-119-21-21-0034	7621 BROOKLYN BLVD.	822	1625	2447
2	28-119-21-21-0060	7601 BROOKLYN BLVD.	1640	3909	5549
3	28-119-21-21-0022	7600 BROOKLYN BLVD.	176	46	223
4	28-119-21-21-0003	7608 BROOKLYN BLVD.	166	916	1082
TOTAL (SQ. FT.)			2804	6496	9301

HENNEPIN COUNTY
MINNESOTA



LEGEND	
	PROPOSED ROADWAY
	RAISED CONC. MEDIAN, CURB & GUTTER
	SIDEWALK
	BLVD. / GREEN SPACE
	PROPOSED SIGNAL REPLACEMENT
	APPROX. CONSTRUCTION LIMITS
	EXISTING R/W
	PROP. PERMANENT ESMT.
	PROP. TEMPORARY ESMT.
	BUS STOP



PRELIMINARY
SUBJECT TO CHANGE
DATE ISSUED: 02/06/2025

COUNTY ROAD 152 @ WELCOME AVE

City of Brooklyn Park Request for Council Action

Agenda Item:	6.1	Meeting Date:	February 24, 2025
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Erin McDermott, Senior Planner
Ordinance:	FIRST READING		
Attachments:	2	Presented By:	Paul Mogush, Planning Director
Item:	DEV24-102 Post Zoning Code Update: Minor Text Revisions		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

Overview:

The City Council adopted Ordinance 2024-1304 on second reading at the July 29, 2024 Council meeting, which replaced the Zoning Code in its entirety. Over the last 6 months staff has been keeping track of inconsistencies and omissions from the previous code. This amendment is intended to fix these technical issues, as well as address an omission from the 610 Corridor Study in which an expectation for higher density development was established by City Council. The 610 Corridor Study resulted in the establishment of a minimum Floor Area Ratio (FAR) for the Mixed-Use District (MU) of 0.75. A more in-depth explanation can be found below the table indicating the text changes to the Zoning Code. The Zoning Map is attached as reference to the location of the Mixed-Use zoning districts, there are no Zoning Map Amendments proposed with this amendment.

The following Code Sections were overlooked in the compilation of work and need to be readded or amended for consistency with other code sections:

Section	Title	Text
152.107	Definitions	<p>FENCE. A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent intrusion.</p> <p>COMMERCIAL VEHICLES. A vehicle that meets one or more of the following:</p> <p>(1) A dump truck, step van, construction vehicle or equipment (bobcats, backhoes and the like), semi-tractor, semitrailer, or trailer, tank truck, tow truck, tractor, bus, cargo truck, <u>mobile food unit</u>, or any vehicle that has a registered gross weight of more than <u>125,000</u> pounds, except the following:</p> <p>(a) A vehicle that is used for private, personal, or recreational use; is not defined as a commercial vehicle in division (1) above; and is not altered with commercial equipment, such as a 1-ton pickup truck.</p> <p>(b) A properly licensed recreational vehicle or recreational equipment with sole and consistent</p>

		<p>use for private recreational purposes.</p> <p>(2) A vehicle that has commercial equipment added to the vehicle such as a snowplow or other externally attached equipment, except recreational vehicles or recreational equipment used only for private, recreational and residential use.</p> <p>(3) A limousine or taxi.</p> <p>(4) A trailer loaded with commercial vehicle(s) or commercial equipment.</p>
152.303	Site Plan Review	<p>(G)(3) Expansions of no more than 10% of the floor area of an existing building, and/or affect no more than 10% of the site. G(3)(d) Religious institutions, either free-standing or within a multi-tenant building.</p> <p>(e) Projects that received a conditional use permit or are in a special zoning overlay.</p>
152.706.2	Minimum Floor Area Ratio	LW: 0.5 NMU: 0.5 MU: 0.75 TOD-C: 0.75 TOD-E: 0.5 TOD-G: Low: 0.3 Med: 0.5 High: 0.75
152.1012.1	Minimum required open space	<p>Total Development Site:</p> <ul style="list-style-type: none"> • B-2: 25% • BP: 15% • I: 15%
152.1017.01	Outdoor storage requirements	<p>Area limit on storage allowed:</p> <ul style="list-style-type: none"> • B-1: 15% of building footprint • B-2: 15% of building footprint • LW: 15% of building footprint • NMU: 15% of building footprint • MU: 15% of building footprint • TOD-C: 15% of building footprint • TOD-E: 15% of building footprint • TOD-G: 15% of building footprint <p>Setbacks: From ROW:</p> <ul style="list-style-type: none"> • B-1: 15ft • B-2: 15 ft • LW: 30 ft • NMU: 30 ft • MU: 30 ft • TOD-C: 30 ft • TOD-E: 30 ft • TOD-G: 30 ft <p>From Rear and Side:</p> <ul style="list-style-type: none"> • B-1: 15 feet • LW: 15 feet • NMU: 12 feet • MU: 12 feet • TOD-C: 30 feet • TOD-E: 16 feet • TOD-G: Low: 20 feet; Med: 16 feet; High: 12 feet <p>Adjacent to residential uses:</p> <ul style="list-style-type: none"> • B-1: 35 feet • B-2: 35 feet • LW: N/A • NMU: N/A • MU: N/A

		<ul style="list-style-type: none"> • TOD-C: N/A • TOD-E: N/A • TOD-G:N/A
152.1018	Parking	(M) Parking of motorized vehicles outside of driveway locations is only allowed on areas paved with a continuous impervious surface or approved pervious surface, or on legal non-conforming parking areas.

Planning Commission:

At the February 12, 2024 Planning Commission meeting, the Planning Commission considered this Zoning Text Amendment and unanimously (5-0) recommended approval.

Explanation of Changes

Definitions: There was no definition of “fence” within the code, which required clarification due to the requirements for fences within the Mississippi River Critical Corridor Area (MRCCA) zoning overlay.

Site Plan Review: The update unintentionally removed the mechanism for minor site improvements for all properties with Conditional Use Permits or that underwent formal Site Plan Review. This would require all minor site plan modifications such as the addition of an entryway or minor parking lot expansions or reductions to receive formal Site Plan Review approvals and would necessitate a public hearing. Exempting Religious Institutions from administrative site plan review, and requiring formal Site Plan Review is also inconsistent with Federal Law as established in the Religious Land Use and Institutionalized Persons Act (RLUIPA) as this requires different treatment of Religious Institutions from other assembly uses.

Minimum Floor Area Ratio: The 610 Corridor Study established a minimum expectation of development within all Mixed-Use zoning districts, and at the completion of that study a zoning text and map amendment was adopted establishing the Mixed-Use District (MU) as well as the Pedestrian Priority Overlay District (PPOD). Both new zoning districts were adopted with a minimum FAR.

This code section sets minimum expectations for development on all Mixed-Use zoning districts to also ensure that the goals established in the 2040 Comprehensive Plan are being met. During the study many conversations were held around the contributions that denser development can make to increasing the City’s tax base, This resulted in a minimum expectation of a 0.75 FAR for MU developments, and 0.5 FAR with a retail component in the PPOD.

This new text amendment applies the same approach to the remainder of the mixed-use zoning districts:

District	Proposed FAR	Description of District
Live Work (LW)	0.3	The Live/Work district accommodates a range of compatible small-scale, low intensity residential and employment uses. Housing is desired but optional for new development and should be in the density range of 3-12 units per acre. Uses may be mixed horizontally (on the same site, but not in the same building) or vertically (in the same building). Non-residential uses should include offices and limited businesses that have low impact with the residential uses. Buildings shall be scaled appropriately to the surrounding neighborhood, reflecting a low-to-mid-rise profile
Neighborhood Mixed Use (NMU)	0.5	The Neighborhood Mixed Use District is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size designed for use in existing or potential pedestrian and transit nodes. Buildings shall be scaled appropriately depending on the type of street frontage (arterial, collector, neighborhood, etc). Higher profile buildings will be located along arterial or collector streets, with the scale, density and intensity of development scaling down as it approaches

		surrounding neighborhoods. The mix of uses should include residential at densities between 9 and 50 units per acre as well as retail, office and personal service establishments that are oriented to residents of the immediate neighborhood areas that anticipate high pedestrian traffic. 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. Both horizontal and vertical mixed use are encouraged in this district.
Transit Oriented Development – Center (TOD-C)	0.75	The LRT Overlay district is located along the LRT corridor, and affects the mapped Development/Redevelopment Areas within a half-mile of LRT stations. Underlying primary zoning districts will govern land uses in these locations, except that any residential development occurring in the overlay must be at a minimum of 20 dwelling units per acre. Residential development should be well-connected to and accessible by those traveling by LRT line transit.
Transit Oriented Development – Employment (TOD-E)	0.5	The LRT Overlay district is located along the LRT corridor, and affects the mapped Development/Redevelopment Areas within a half-mile of LRT stations. Underlying primary zoning districts will govern land uses in these locations. The TOD-E focuses on employment uses with a mix of business park and commercial uses.
Transit Oriented Development – Greenfield (TOD-G)	Low: 0.3 Med: 0.5 High: 0.75	This zoning designation only exists in the LRT Station Area that is impacted by the Northwest Growth Area plan, and will be replaced by new zoning requirements upon the completion on the ongoing Northwest Growth Area Plan.

Minimum required open space: The percentages adopted were inconsistent with the impervious surface maximums. The amendment of these percentages reconciles these two calculations.

Outdoor storage requirements: Outdoor storage was adopted as an accessory use in all districts permitting commercial uses. No development standards were adopted for the B-1, B-2 or Mixed-Use districts at the adoption of the use tables, this remedies the lack of clarification of standards for outdoor storage in these districts.

Parking: This section was unintentionally removed, and is a common violation enforced by the Environmental Health Division. This code preserves the health and safety of the City by ensuring that vehicles do not leak fluids directly into the soil, as well as preserving ground cover.

Primary Issues/Alternatives to Consider:

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

Budgetary/Fiscal Issues: N/A

Attachments:

- 6.1A ORDINANCE
- 6.1B ZONING MAP

ORDINANCE 2025-__

AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR
CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN

~~Text with strikethrough is proposed for deletion~~

Underlined text is proposed for insertion

The City of Brooklyn Park does ordain:

Section 1. Section 152.107 of the City Code, titled "DEFINITIONS" is amended to read as follows:

§ 151.107 DEFINITIONS.

FENCE. A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent intrusion.

COMMERCIAL VEHICLES. A vehicle that meets one or more of the following:

(1) A dump truck, step van, construction vehicle or equipment (bobcats, backhoes and the like), semi-tractor, semitrailer, or trailer, tank truck, tow truck, tractor, bus, cargo truck, mobile food unit, or any vehicle that has a registered gross weight of more than 125,000 pounds, except the following:

(a) A vehicle that is used for private, personal, or recreational use; is not defined as a commercial vehicle in division (1) above; and is not altered with commercial equipment, such as a 1-ton pickup truck.

(b) A properly licensed recreational vehicle or recreational equipment with sole and consistent use for private recreational purposes.

(2) A vehicle that has commercial equipment added to the vehicle such as a snow plow or other externally attached equipment, except recreational vehicles or recreational equipment used only for private, recreational and residential use.

(3) A limousine or taxi.

(4) A trailer loaded with a commercial vehicle(s) or commercial equipment.

Section 2. Section 152.303 of the City Code, titled "SITE PLAN REVIEW" is amended to read as follows:

§ 151.303 SITE PLAN REVIEW.

(G) Administrative site plan review. Sites plans shall be reviewed by the City Manager in lieu of City Council approval if they meet the following criteria, except as otherwise expressly provided in this chapter:

(1) Residential properties with one dwelling unit per parcel that comply with the approved plan.

(2) Modifications or expansions of parking lots or driveways.

(3) Expansions of no more than 10% of the floor area of an existing building, and/or affect no more than 10% of the site.

(4) (3) Sites, buildings and uses that are permitted in the zoning district and do not require variances from this chapter or any other city code, except for the following:

(a) Nonresidential uses in or adjacent to a residential district.

(b) Uses with drive-through service.

(c) Uses in the Public Institution District (PI).

- ~~(d) Religious institutions, either free standing or within a multi-tenant building.~~
- ~~(e) Projects that received a conditional use permit or are in a special zoning overlay.~~
- (f) Public and private elementary and secondary schools, including charter schools.

Section 3. Section 152.706 of the City Code, titled "MIXED USE DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS" is amended to read as follows:

§ 151.706 MIXED USE DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS.

Figure 152.706.2

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Maximum Building Setbacks						
From public right-of-way	None	12 feet	12 feet	12 feet	16 feet	Low: 20 ft Med: 16 ft High: 12 ft
Side (interior)	None	None	None	6 feet	6 feet	Low: 6 ft Med: 16 ft High: 6 feet
Side (street)	None	None	12 feet	12 feet	16 feet	Low: 20 ft Med: 16 ft High: 12 ft
Minimum Building Setbacks						
Front (abutting public right-of-way)	1 foot	1 foot	1 foot	1 foot	2 feet	Low: 8 ft Med: 1 ft High: 1 ft
Side (interior)	None	None	None	None	None	None
Side (street)	2 feet	2 feet	2 feet	2 feet	2 feet	Low: 5ft Med: 2 ft High: 2 ft
Rear (interior)	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet
Minimum Parking Setbacks						
Front (abutting public right-of-way)	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Side (interior)	0 feet if shared, or 5 feet	0 feet if shared, or 5 feet	0 feet	0 feet if shared, or 5 feet	0 feet	0 feet
Side (street)	12 feet	12 feet	12 feet	30 feet	12 feet	12 feet

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Rear (interior)	0 feet if shared, or 5 feet	0 feet if shared, or 3 feet	3 feet	0 feet if shared, or 5 feet	3 feet	3 feet
Side or rear if abutting a residential district property line	10ft	10ft	N/A	N/A	N/A	N/A
Maximum Allowable Building Footprint and Impervious Surface						
	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Maximum Impervious Surface	70%	80%	80%	100%	80%	Low: 70% Med: 80% High: 100%
Building Coverage and Building Width						
Minimum Frontage Buildout	None	80%	80%	80%	70%	Low: 60% Med: 70% High:80%
Side Frontage Buildout from Front Street	None	40 feet	50 feet	50 feet	40 feet	Low: 40 ft Med: 40ft High: 50ft
Maximum building width	400 feet	400 feet	400 feet	400 feet	400 feet	Low: 80 ft Med: 100 ft High: 400 feet
<u>Minimum Floor Area Ratio</u>	<u>0.3</u>	<u>0.5</u>	<u>0.75</u>	<u>0.75</u>	<u>0.5</u>	<u>Low: 0.3</u> <u>Med: 0.5</u> <u>High: 0.75</u>
Building Height						
Principal structure maximum stories	3 stories	4 stories	8 stories	6 stories	4 stories	Low: 3 stories Med: 4 stories High: 8 stories
Residential Density						
Minimum dwelling units per acre	3	9	12	12	N/A	9
Maximum dwelling units per acre	12	50	100	100	N/A	100
Glazing/Window Coverage						

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Front street (minimum)	30%	30%	30%	30%	30%	30%
Side street (minimum)	30%	30%	30%	30%	30%	30%
Upper floors (minimum)	10%	10%	10%	10%	10%	10%
Lot width						
Minimum			20 feet			20 feet
Maximum			400 feet			Low: 100 feet Med: 180 feet High: 300 feet

Section 3. Section 152.1012 of the City Code, titled “LANDSCAPING STANDARDS, NONRESIDENTIAL” is amended to read as follows:

§ 151.1012 LANDSCAPING STANDARDS, NONRESIDENTIAL.

Figure 152.1012.1 Minimum required open space

	B-1	B-2	B-3, B-4,	BP	I	PI	OP
Total development site	30%	<u>25%</u>	20%	<u>15%</u>	<u>15%</u>	30%	40%

Section 4. Section 152.1017 of the City Code, titled “OUTDOOR STORAGE” is amended to read as follows:

§ 151.1017 OUTDOOR STORAGE.

Figure 152.1017.01 Outdoor storage requirements, Nonresidential

	<u>B1</u>	<u>B2</u>	B3	B4	BP	I
Area Limit on storage Allowed	<u>15% of building footprint</u>	<u>15% of building footprint</u>	50% of site	70% of site	15% of building footprint	80% of site
Right-of-way Setback	<u>15 feet</u>	<u>15 feet</u>	15 feet	15 feet	75 feet	35 feet
Side and rear setback	<u>15 feet</u>	<u>15 feet</u>	5 feet	5 feet	50 feet	15 feet
Adjacent to Residential District	<u>35 feet</u>	<u>35 feet</u>	35 feet	35 feet	NP	5 feet
Location Restriction	<u>Rear yard</u>	<u>Rear yard</u>	Side or rear yard	Side or rear yard	Must be located to the rear of the front entrance	Side or rear yard

Figure 152.1017.02 Outdoor storage requirements, Mixed Use

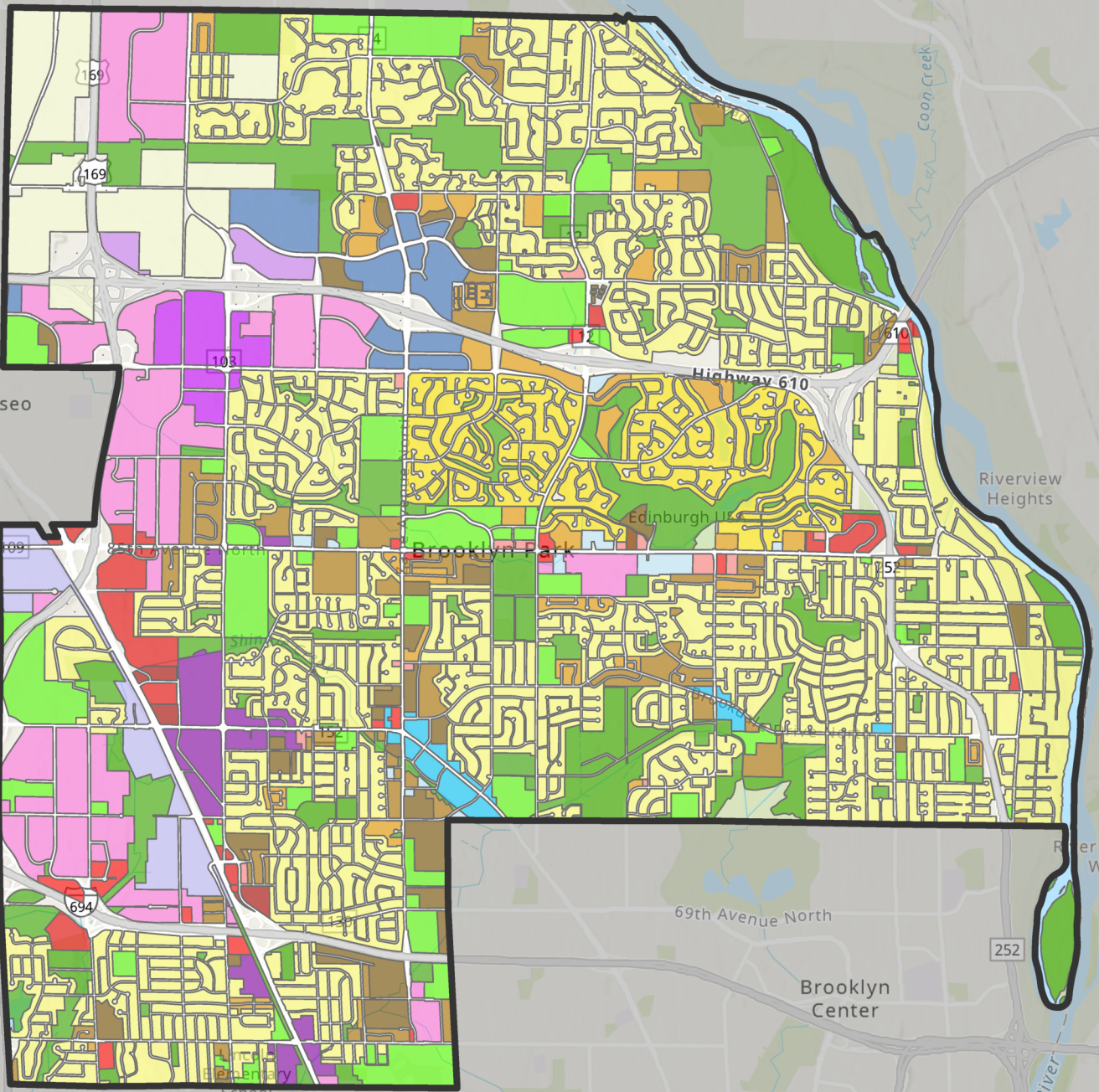
	<u>LW</u>	<u>NMU</u>	<u>MU</u>	<u>TOD-C</u>	<u>TOD-E</u>	<u>TOD-G</u>

<u>Area Limit on storage Allowed</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>
<u>Right-of-way Setback</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Side and rear setback</u>	<u>15 feet</u>	<u>12 feet</u>	<u>12 feet</u>	<u>30 feet</u>	<u>16 feet</u>	<u>Low: 20 feet</u> <u>Med:16 feet</u> <u>High:12 feet</u>
<u>Location Restriction</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>



Section 5. Section 152.1018 of the City Code, titled "Parking" is amended to read as follows:

§ 151.1018 PARKING.





















(M) Parking of motorized vehicles outside of driveway locations is only allowed on areas paved with continuous impervious surface or approved impervious surface, or on legal non-conforming parking areas.

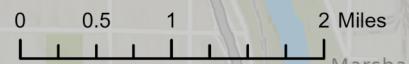


Legend

-  City Boundary
-  City Boundaries

Zoning District

- | | |
|--|---|
|  B1 |  OP |
|  B2 |  PI |
|  B3 |  R1 |
|  B4 |  R2 |
|  BP |  R3 |
|  I |  R4 |
|  LW |  R5 |
|  MU |  TOD-C |
|  NMU |  TOD-E |
| |  TOD-G |
| |  UR |



Lee Park Folwell McKinley Marshall Terrace

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	February 24, 2025
Agenda Section:	General Action Items	Originating Department:	Police
Resolution:	N/A	Prepared By:	Stephanie Heiberger, Police Inspector Toni Weinbeck, Police
Ordinance:	FIRST READING		
Attachments:	1	Presented By:	Inspector Toni Weinbeck, Police
Item:	FIRST READING of an Amendment to Chapter 92 of the Brooklyn Park City Code Pertaining to Animals		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 92 OF THE BROOKLYN PARK CITY CODE PERTAINING TO ANIMALS

Overview:

We are requesting a change to the animal ordinance to align with the process changes that have occurred at PUPS (Pets Under Police Security), our animal impound facility. Also, we are requesting a change to ordinance to assist with improving identification of owners of animals and reducing the number of animals at a residence. These changes are presented in hopes of reducing animal-related concerns in our community.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

7.1A ORDINANCE

ORDINANCE #2025-

ORDINANCE AMENDING CHAPTER 92 Sections 92.12, 92.19, 92.21, and 92.31 OF THE
BROOKLYN PARK CITY CODE PERTAINING TO ANIMALS

~~Text with strikeout is proposed for deletion~~

Underlined text is proposed for insertion

The City of Brooklyn Park Does Ordain:

Section 1. Chapter 92.12 of the Brooklyn Park City Code is amended to read as follows:

§ 92.12 IMPOUNDING.

It is the duty of the Animal Control Officer to apprehend any animal found running at large or otherwise in violation of the provisions of this chapter and to impound such animal in the pound or other suitable place pending compliance or a determination on the animal's disposition. The Animal Control Officer upon receiving any animal must make a complete registry, entering the breed, color, sex, if such information can be obtained safely. If the animal bears no identification which reasonably reveals its ownership, the Animal Control Officer shall impound the animal in the pound for a period of at least seven days. Immediately upon impounding an animal, reasonable efforts shall be made to notify the owner and inform the owner of the animal's confinement and the procedures for release of the animal to the owner. Any animal impounded, with the exception of a potentially dangerous dog or dangerous dog or a dog that has inflicted substantial or great bodily harm upon a person, may be reclaimed by the owner within five days after such impoundment. Before the owner shall be permitted to recover possession of the animal, the owner shall pay the city impound facility all required fees and costs of impoundment. An animal that is not redeemed by its owner within five days after impounding may be euthanized and disposed of in a sanitary manner by the Animal Control Officer

Section 2. Chapter 92.19 of the Brooklyn Park City Code is amended to read as follows:

§ 92.19 REDEMPTION.

(A) An animal may be redeemed from the pound during the hours set forth by the requirements of Minnesota Statutes, by the owner upon paying the following fees and charges:

- (1) Providing proof of current rabies vaccination.
- (2) The boarding fee.
- (3) An impounding fee ~~in the amount established by the Council.~~
- (4) Any fees incurred by the city or impound facility for required treatment of the animal.

(5) Any Animal that is not microchipped will be microchipped by the impounding facility, prior to release, at the owner's expense. ~~The city will also add a fee as established by the City Council for any services rendered when the officer is required to extend services in the following cases:~~

- ~~— (a) Beyond regular office hours.~~
- ~~— (b) At times when he or she is not regularly on patrol.~~
- ~~— (c) If the city incurs additional expenses for any additional services.~~

(B) This section does not require the pound keeper or the Animal Control Officer to extend services other than during regular business hours unless it is reasonably convenient for those persons to provide those services.

Section 3. Chapter 92.21 of the Brooklyn Park City Code is amended to read as follows:

§ 92.21 LIMIT OF ANIMALS ON ONE PREMISES.

It is unlawful to keep more than three animals ~~over six months of age~~ at any one dwelling unit except at a commercial kennel. If an animal owner exceeds the amount of animals kept at any one dwelling unit, the owner has eight weeks to remove all animals exceeding the limit specified in this section. Up to five animals over six months of age may be kept at any one dwelling unit only if at least two of the animals are trained or in training by a recognized program with an established curriculum for animals to perform certain tasks such as animals that provide assistance to persons with disabilities, police K-9s, detecting animals, and search and rescue animals and animals awaiting adoption in foster homes under a recognized animal foster program.

Section 4. Chapter 92.32 of the Brooklyn Park City Code is amended to read as follows:

§ 92.32 IDENTIFICATION AND VACCINATION.

(A) It is unlawful to own, harbor, keep, or have custody of an animal over six months of age within this municipality without an identification tag on them, and the animal has a current vaccination against rabies with an approved vaccine as determined by the current official “Compendium of Animal Rabies Vaccines” published by the Conference of State Public Health Veterinarians and the Center for Disease Control of the Department of Health and Human Services. Every person convicted of a violation of this provision is guilty of a penal offense.

(B) *Identification.* All animals are required to have identification on them at all times. Identification includes veterinarian issued rabies tags, ~~or any tags or collars with contact information and phone number(s) inscribed on it,~~ or a microchip.

City of Brooklyn Park Request for Council Action

Agenda Item:	7.2	Meeting Date:	February 24, 2025
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Jay Stroebe, City Manager
Ordinance:	N/A		
Attachments:	N/A		
Item:	Immigration Action Policy		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE AN EMPLOYEE POLICY OUTLINING CITY STAFF'S LIMITATIONS AND RESTRICTIONS ON SOLICITING IMMIGRATION INFORMATION OR INQUIRING ABOUT IMMIGRATION STATUS DURING THE COURSE OF THEIR DUTIES.

Overview:

At the January 27 and February 3, 2025 work sessions, the Council and staff discussed current immigration policy issues and the impact on the Brooklyn Park community. At the February 10, 2025 Council meeting, the city manager was instructed to bring the policy for Council approval on February 24, 2025.

The city manager will give updates to the Council on immigration action items that have taken place over the course of the past several weeks, and planned items for the weeks ahead. In addition, the employee policy outlining city's staff's limitations and restrictions on soliciting information or inquiring about immigration status will be presented. Council wants to ensure all Brooklyn Park community members feel a sense of safety in their interactions with city staff, whether that be paying a water bill, requesting a permit, calling 911, etc.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

7.2A POLICY