

Department of Community Planning and Economic Development – Planning Division
Interim Use Permit
BZZ-5470

Date: March 1, 2012

Applicant: Patrick Sarver on behalf of First & First LLC

Addresses of Property: 2644 Nicollet Avenue

Project Name: N/A

Contact Person and Phone: Patrick Sarver, 952-250-2003

Planning Staff and Phone: Aly Pennucci, 612-673-5342

Date Application Deemed Complete: January 25, 2012

End of 60-Day Decision Period: March 24, 2012

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: C3A Community Activity Center District & PO Pedestrian Oriented Overlay District

Zoning Plate Number: 25

Legal Description: Not applicable for this application

Proposed Use: A temporary parking facility for employees and customers of a proposed restaurant with general entertainment located at 2628 Nicollet Avenue

Applicable zoning code provisions: Chapter 525, Article VIII, Interim Uses.

Background: Patrick Sarver, on behalf of First & First LLC, has filed an interim use permit to allow a temporary parking facility at 2644 Nicollet Avenue. Interim uses are granted by the City Council and are required to conform to the Zoning Ordinance as if it were established as a conditional use. The City Council may waive conditions that would apply to an interim use upon a finding that the temporary nature of the interim use will eliminate the adverse effects that the condition was intended to prevent. Interim uses may be granted for a period of up to five years, provided the use is allowed as a conditional use in the district in question. Parking facilities are a conditional use in the C3A Community Activity Center District. The applicant has requested approval to use this property as an interim parking facility for three (3) years.

The interim parking facility will be used to meet the minimum parking requirement for a proposed restaurant, with general entertainment, located at 2528 Nicollet Avenue, known as the Icehouse Development. The proposed restaurant is deficient twenty-seven (27) off-street parking stalls; the proposed interim parking facility would meet the parking requirement for the proposed restaurant

through a shared parking agreement. The applicants have stated that they plan to construct a mixed use building on the subject property that will include enough parking to meet the minimum requirements for the new development and continue to provide the parking for the proposed restaurant located at 2528 Nicollet Avenue. The proposed interim parking covers a portion of the site; the area planned for a new building will be left open until the site is redeveloped. The interim parking lot is expected to relieve some of the parking pressure at the Icehouse development.

As of writing this staff report, staff has not received correspondence from the neighborhood organization regarding the Interim Use Permit Application.

Findings as required by the Minneapolis Zoning Code:

For an interim use permit to be granted, the Zoning and Planning Committee must make the same findings that pertain to conditional use permits. In addition to these, any City Council approval of an interim use is subject to five additional conditions. Discussion of each of these findings and conditions follows.

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The new parking lot along a commercial corridor within an activity center should not be detrimental to or endanger the public health, safety, comfort or general welfare. The applicants have proposed two (2) curb cuts to access the parking facility. The subject site has an existing curb cut along Nicollet Avenue and the proposal includes a new curb cut along 27th Street. The zoning ordinance includes a provision that encourages the consolidation of curb cuts. In addition, this property is located in an activity center and is within the PO Pedestrian Oriented Overlay District. Staff believes that the curb cut on Nicollet Avenue could be closed and still allow proper function of the use.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Staff does not anticipate that the parking facility will be injurious to the use and enjoyment of the residential properties to the west or to the commercially zoned properties to the north.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Adequate utilities, access roads, drainage, necessary facilities or other measures will be provided.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The proposed lot will provide parking for a proposed restaurant in the Icehouse Development at 2528 Nicollet Avenue, minimizing congestion on the public streets. The subject site has

sufficient maneuvering area for vehicles. The applicant is proposing to access the parking facility via an existing curb cut along Nicollet Avenue and a new curb cut along 27th Avenue. Staff believes that only one curb cut is needed to provide adequate access to the parking facility and eliminating the curb cut along Nicollet Avenue will minimize traffic congestion and enhance the pedestrian realm.

5. Is consistent with the applicable policies of the comprehensive plan.

One purpose of an interim use permit is to temporarily allow uses that may not be consistent with adopted long-term plans and objectives for the area in question. The proposed parking facility would not be consistent with adopted plans for the area, including the adopted *Nicollet Avenue: the Revitalization of Minneapolis' Main Street* plan, which promotes shared parking and pedestrian-oriented development. In addition, several policies noted in the *The Minneapolis Plan for Sustainable Growth*, particularly related to designated activity centers, would not support new surface lots in an activity center and encourage shared parking; these policies are listed below.

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

1.12.4 Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.

1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.

Interim Use Conditions

- 1. The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.**

Parking facilities are allowed as a conditional use in the C3A district.

- 2. Except as otherwise authorized by this section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.**

The use will conform to the zoning ordinance. The proposed parking lot meets the site-plan review requirements for a parking facility.

- 3. The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.**

The applicant's have requested approval for the temporary use permit for a period of three (3) years.

- 4. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.**

The applicant is aware of this standard.

- 5. Such conditions and guarantees as the city council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.**

As mentioned above, the subject site is located in the PO Pedestrian Oriented Overlay District and is located in an activity center. As such, staff believes that two (2) curb cuts are not necessary to serve the proposed interim parking facility and that the existing curb cut along Nicollet Avenue should be closed.

RECOMMENDATION:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Interim Use Permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Council adopt the above findings and **approve** the application for an interim use permit for a parking facility located 2644 Nicollet Avenue, subject to the following conditions:

1. The interim use shall expire no later than March 1, 2015.
2. The curb cut along Nicollet Avenue shall be closed and only one (1) curb cut along 27th Street shall be constructed to serve the proposed parking facility.
3. CPED Planning staff review and approval of the final site and landscaping plans.

Attachments:

- 1) Statement and findings from applicant
- 2) Correspondence to neighborhood organization and Council Member
- 3) Zoning map
- 4) Site plan
- 5) Photos
- 6) Aerial Photo