

Department of Community Planning and Economic Development
Interim Use Permit Application
BZZ-6084

Z&P Date: June 6, 2013

Applicant: Westminster Presbyterian Church of Minneapolis, 1200 Marquette Avenue, Minneapolis, MN 55403, (612) 332-321 and 1221 Acquisitions LLC & 45636 Square LLC, c/o Hyde Development, 1350 Lagoon Avenue #920, Minneapolis, MN 55408, (612) 904-1590

Addresses of Property: 1221 Nicollet Mall & 1226 Marquette Avenue

Project Name: Interim Use Parking Lot

Contact Person and Phone: Walter Rockenstein, 643 East 57th Street, Minneapolis, MN 55417, (612) 227-8428

CPED Staff and Phone: Becca Farrar, Senior Planner, (612)673-3594

Date Application Deemed Complete: May 2, 2013

End of 60-Day Decision Period: July 1, 2013

End of 120-Day Decision Period: Not applicable for this application

Ward: 7 **Neighborhood Organization:** Citizens for a Loring Park Community (CLPC)

Existing Zoning: B4S-1(Downtown Business) District, and DP (Downtown Parking) Overlay District.

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Lot area: 1221 Nicollet Mall: 45,809 square feet or approximately 1.05 acres (parking lot covers 14,805 square feet or approximately .34 acres); 1226 Marquette Avenue: 12,375 square feet or approximately .28 acres

Legal Description: Not applicable for the proposed development

Proposed Use: A temporary expansion of a surface parking lot that would allow for a net increase of 21 surface parking stalls.

Applicable zoning code provisions: Section 525, Article VIII Interim Use Permits.

Background: Walter Rockenstein, on behalf of Westminster Presbyterian Church of Minneapolis, 1221 Acquisitions LLC, and 45636 Square LLC, has filed an application for an Interim Use Permit to allow for the temporary expansion of a surface parking lot onto the 1226 Marquette Avenue parcel for a period of five years, until June 14, 2018. The proposed expansion would allow for a net increase of 21 surface parking stalls to be used by Westminster Presbyterian Church through the reconfiguration of the existing surface parking lot located on the 1221 Nicollet Mall parcel and with the expansion onto the 1226 Marquette Avenue parcel. The properties are zoned B4S-1(Downtown Business) District and are located

Department of Community Planning and Economic Development
BZZ-6084

in the DP (Downtown Parking) Overlay District. 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. Interim use permits cannot be granted for a period greater than five years. 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.

The block bounded by Nicollet Mall, South Twelfth Street, Marquette Avenue and Alice Rainville Place (13th Street South) currently consists of the following land uses: Westminster Presbyterian Church, the 1221 Building, an existing surface parking lot accessed off of Marquette Avenue that is on the 1221 parcel and a vacant parcel previously occupied by the Marimark Apartments. Westminster Presbyterian Church building occupies the northern portion of the block along South Twelfth Street. The 1221 Building, which is an office building, fronts on Nicollet Mall and extends east along Alice Rainville Place. The Marimark Apartments that were located on the southern corner of the block at 1226 Marquette Avenue were demolished in early 2013.

In 2012, Westminster Presbyterian Church purchased both Marimark Apartments at 1226 Marquette Avenue and the 1221 Building at 1221 Nicollet Mall. Westminster formed 45626 Square LLC which purchased Marimark Apartments and 1221 Acquisitions LLC which purchased the 1221 Building. Westminster Presbyterian Church is the sole member of both LLCs. As previously mentioned, after acquiring the Marimark Apartments, the building was demolished. Westminster Presbyterian Church also intends to demolish the 1221 Building once the leases, which extend to mid-2015, expire. Following the demolition of the 1221 Building, Westminster Presbyterian Church intends to redevelop both parcels which encompass the entire southerly portion of the block.

In the interim until redevelopment occurs, Westminster Presbyterian Church proposes to temporarily expand its existing surface parking lot south onto the former Marimark Apartments parcel at 1226 Marquette. The expansion would allow for a net increase of 21 surface parking stalls through the reconfiguration of the existing surface parking lot that consists of 32 surface parking spaces and that is part of the 1221 Nicollet Mall parcel. The existing surface parking lot currently located on the block is actually the top deck of an underground parking structure accessed off of Alice Rainville Place that is built into the 1221 Building and connects to parking located under the Westminster Presbyterian Church.

No changes are proposed to the 1221 Building or the Westminster Presbyterian Church. The scope of the proposed interim parking lot expansion involves the following components:

- (1) Expand the surface parking lot onto the vacant 1226 Marquette parcel using entirely pervious pavers for a total of 53 surface parking stalls. All of 1226 Marquette would either be covered with pervious pavers or landscaping;
- (2) Provide a new temporary truck loading and unloading area adjacent to the 1221 Building accessed from an existing curb cut on Alice Rainville Place;
- (3) Relocate existing bicycle racks along Marquette Avenue to the northwest corner of the parking lot;
- (4) Landscape the perimeter of the parking area along Alice Rainville Place and Marquette Avenue and replant and extend irrigation to the raised planters located between the existing parking lot and Marquette Avenue;
- (5) Install signage at the corner of Marquette Avenue and Alice Rainville Place that is oriented towards Marquette Avenue to the south (the applicant is aware that this requires a separate permit and review through Zoning);
- (6) Install additional lighting on the south edge of the expanded parking area;

Department of Community Planning and Economic Development
BZZ-6084

- (7) Remove inoperable parking controls and median at the entrance to the existing surface parking lot and remove the existing dumpster enclosure. Dumpsters would be relocated to the underground parking structure owned by Westminster Presbyterian Church;
- (8) Waterproof and seal coat the existing parking lot's deck surface, restripe the entire lot as a result of the reconfiguration;
- (9) Finish the unfinished portions of the existing stair tower located at the southeast corner of the existing lot to match the finished facades.

As previously noted, the properties are zoned B4S-1(Downtown Business) District and are located in the DP (Downtown Parking) Overlay District. DP Overlay District was established to preserve significant buildings and to protect the unique character of downtown and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. Parking facilities are conditional uses in the B4S-1(Downtown Business) District. Typically in the DP Overlay District parking facilities are also conditional uses and parking lots over twenty spaces require a variance. Due to the interim nature of the proposed use, a variance would not be required.

The curb cut to the existing surface parking lot would be maintained off of Marquette Avenue with the proposed expansion. The applicant has submitted Preliminary Development Review (PDR) plans to City Staff for review and approval via the modified PDR process. Additional coordination shall transpire as necessary should the interim use be approved.

Staff has not received official correspondence from Citizens for a Loring Park Community (CLPC) or any neighborhood letters prior to the printing of this report. Any correspondence received shall be forwarded on to the Planning Commission for their consideration.

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.

Findings

- 1. The establishment, maintenance or operation of the interim use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Interim use of the site as a temporary parking lot should have few negative impacts on the surrounding area given its current condition. It should help alleviate general congestion in the area by providing additional parking for the church prior to the redevelopment of the south half of the block. Further, the extensive landscaping proposed on the site would greatly improve the appearance of a visible vacant downtown property despite the inclusion of additional surface parking located on site.

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

The proposed interim use should not be injurious to the use and enjoyment of other property in the vicinity and should not impede the normal and orderly development and improvement of

surrounding property for uses permitted in the district. As previously noted, the use is temporary and is meant to provide additional parking in the interim period before the southern half of the block is redeveloped. Provided the use is temporary, it should not have long term adverse impacts on the area as adopted policy guidance would not support a permanently established surface parking lot on the premises.

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

The site would continue to be accessed off of Marquette Avenue via an existing curb cut. The applicant has submitted Preliminary Development Review (PDR) plans to City Staff for review and approval via the modified PDR process. Additional coordination shall transpire as necessary should the interim use be approved.

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

The purpose of the interim use of the site as a parking lot is meant to accommodate additional parking for the Westminster Presbyterian Church and improve the appearance by landscaping the vacant lot. Staff believes that based on the proposal, the applicant is providing adequate measures for minimizing traffic congestion in the public streets while balancing the desire for green space needed to soften the appearance of the site.

5. The interim use 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 lot would not be consistent with the guiding adopted plan for the area if it were to be established as a permanent use. Numerous policies and implementation steps noted in the City's *Minneapolis Plan for Sustainable Growth* would not support the use of the site as a permanent surface parking lot in the Downtown Growth Center. No current small area plans apply to the subject site.

6. The interim use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

As previously noted, the properties are zoned B4S-1(Downtown Business) District and are located in the DP (Downtown Parking) Overlay District. DP Overlay District was established to preserve significant buildings and to protect the unique character of downtown and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. Parking facilities are conditional uses in the B4S-1(Downtown Business) District. Typically in the DP Overlay District parking facilities are also conditional uses and parking lots over twenty spaces require a variance. Due to the interim nature of the proposed use, a variance would not be required.

In addition to obtaining an interim use permit, surface parking lots are subject to Chapter 530 Site Plan Review standards as it relates to design and maintenance of the proposed parking lot; no yard requirements apply given the surrounding context/uses on the block. The applicable design and maintenance provisions are as follows: surfacing, 7-foot wide perimeter landscaping and screening, tree requirement per 25 feet of linear street frontage, interior lot landscaping/island requirements, 50-foot distance to tree requirement and general tree and shrub requirements.

Staff does not believe that a temporary use warrants full compliance with the above listed requirements; however, the proposal is in compliance and/or exceeds the majority of the requirements within proposed expanded parking areas on the 1226 Marquette parcel. The surface of the existing parking lot is concrete and as previously mentioned is actually the top deck of an underground parking ramp. The expanded parking area on the 1226 Marquette parcel would be entirely composed of pervious concrete which is acceptable as a surfacing material provided it complies with Section 541.305 of the Zoning Code. New curbing would be provided within the expanded parking area to match into the existing with curb openings that allow for infiltration. All parking spaces and internal drive aisles are compliant with the minimum standards as outlined in Chapter 541 of the Zoning Code.

The parking lot is in compliance with the 7 foot wide landscaping and screening provision along Alice Rainville Place as a 37 foot wide densely planted, landscape buffer is proposed between the parking spaces and the property line. Along Marquette Avenue, the proposal meets the 7-foot wide landscaping and screening provision on the expanded parking area on the 1226 Marquette parcel but only meets the screening requirement as a result of the existing planters and proposed vegetation, not the 7-foot landscaped yard requirement on the existing surface parking lot. As previously noted, this portion of the parking lot is the top of an existing parking deck; as a result it would not be practical to require compliance. The proposal meets the 25-foot linear tree requirement along Alice Rainville Place and along Marquette Avenue within the newly expanded parking area. The proposal is not compliant along a portion of Marquette Avenue where the existing parking lot is located. It would not be practical to require street trees in this location due to the limited growing medium within the planters. The proposal is in compliance with the 50-foot distance to tree requirement on the expanded parking area, but not where the existing parking lot is located. Overall a total of 21 canopy trees are proposed, 2 ornamental trees, 51 shrubs and perennials, grasses and bulbs.

The total site area of both parking lots (existing and proposed) total 27,232 square feet and the proposal would result in 6,302 square feet of landscaped area or approximately 23% of the total area of the surface parking lot.

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.**

The B4S-1(Downtown Business) District and the DP (Downtown Parking) Overlay District permit parking facilities as a conditional use.

- 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.**

As discussed above in the findings for a conditional use, the use is in conformance with the Zoning Code except as it relates to the standards as listed above in finding number six.

The existing parking lot is currently lit by building mounted light fixtures. The applicant proposes to illuminate the expanded parking area and the new landscaped areas with three pole-mounted lights that are downcast and shielded at the edge of the parking area.

Department of Community Planning and Economic Development
BZZ-6084

As noted above in finding number six, there are several Zoning Code exceptions being requested pertaining to the design and maintenance provisions outlined in Chapter 530. Further, it is important to note that if the parking lot were to be established as a permanent use in the DP Overlay District parking lots over twenty spaces require a variance.

- 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.**

Staff is recommending that the interim use permit expire on June 14, 2018. This date cannot be extended, as the total time for an interim use cannot exceed five (5) 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.**

Staff is recommending that the temporary parking lot be allowed to operate until June 14, 2018, as requested by the applicant. The applicant is proposing pervious pavement, which is subject to the standards of section 541.305 of the zoning code.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development for the interim use permit:

The Department of Community Planning and Economic Development recommends that the City Council **approve** the application for an interim use permit for a 53 space temporary surface parking lot (32 are existing 21 are proposed) on the properties located at 1221 Nicollet Mall & 1226 Marquette Avenue subject to the following conditions:

- 1) The interim use shall expire no later than June 14, 2018.
- 2) At the end date of the interim use the applicant shall cease operation of the temporary parking lot or apply for applicable land use approvals.
- 3) The pervious concrete proposed within the surface parking lot shall comply with Section 541.305 of the Zoning Code.

Attachments:

1. Statement of use / description of the project
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Site Photos