

Department of Community Planning and Economic Development – Planning Division
Interim Use Permit
BZZ-4105

Date: July 17, 2008

Applicant: Washburn Center for Children

Addresses of Property: 2437 Nicollet Avenue

Project Name: Interim Use Parking Lot for Washburn Center for Children

Contact Person and Phone: Marcy Tollefson, (612) 872-3350

Planning Staff and Phone: Brad Ellis, (612) 673-3239

Date Application Deemed Complete: June 25, 2008

End of 60-Day Decision Period: August 25, 2008

Ward: 06 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: C1 Neighborhood Commercial District
 PO Pedestrian Oriented Overlay District

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: A temporary 24 space Parking Lot for employees of the Washburn Center for Children at 2430 Nicollet Avenue

Applicable zoning code provisions: Section 525, Article VIII Interim Use Permits, Chapter 530 Site Plan Review, Chapter 541 Off-Street Parking and Loading, and Chapter 551 Overlay Districts

Background:

The applicant has filed an application for an Interim Use Permit to allow a temporary 24 space surface parking lot on the vacant property located at 2437 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. 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 applicant was denied a Conditional Use Permit for a Principal Parking Facility (Parking Lot) at the June 16, 2008 meeting of the City Planning Commission. At that meeting, the Commission directed the

applicant to seek approval through the Interim Use Permit Process, since the parking lot is considered to be temporary. The interim parking lot is expected to relieve some of the parking issues the applicant is experiencing at their facility located across the street at 2430 Nicollet Avenue. Per the applicant, the parking lot would serve as an additional accessory lot for the Washburn Center for Children. The Washburn Center for Children is a Child Care Center/Early Childhood Learning Center, and recently underwent an administrative site plan review for an expansion to the rear of their building (BZZ-2887). The applicant has indicated that the proposed lot would serve primarily as employee parking to enable parents easier access to their services on site at 2430 Nicollet Avenue. The project has been through PDR. The PDR Report is attached.

As of writing this staff report, staff has not received correspondence from the neighborhood organization regarding the Interim Use Permit Application. The neighborhood did oppose the Conditional Use Permit application originally submitted by the applicant. Staff has received a phone call from the property owner at 2451 Nicollet Avenue supporting the 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 near an activity center should not be detrimental to or endanger the public health, safety, comfort or general welfare.

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 lot would be injurious to the use and enjoyment of the residential properties to the east or to the commercially zoned properties to the north and south.

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 additional accessory parking for the Washburn Center for Children at 2430 Nicollet Avenue, minimizing congestion on the public streets. Per 551.140(f), the maximum number of accessory parking spaces for nonresidential uses shall not exceed 150 percent of the

minimum required parking spaces in the PO Pedestrian Oriented Overlay District. The maximum accessory parking allowed for the Washburn Center for Children is 68 spaces total. The initial proposal had a total of 68 spaces between the two sites; the newest proposal has 69 spaces. The applicant will be required to modify reduce parking by one space either on the lot at 2430 Nicollet Avenue, or at 2430 Nicollet Avenue. This can be handled by providing an additional handicapped accessible space at either location. The subject site has sufficient maneuvering area for vehicles and loading. The applicant is proposing to access via the alleyway, and to not install a new curb cut along Nicollet Avenue. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

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

The proposed use appears to be in conformance with the Minneapolis Comprehensive Plan as well as the Nicollet Avenue: The Revitalization of Minneapolis' Main Street Plan.

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Relevant Implementation Steps

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Ensure that parking structures and surface lots conform with identified design principles.

The proposed parking lot will meet the City of Minneapolis standards for screening and landscaping, as well as the PO Pedestrian Oriented Overlay District Standards.

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Relevant Implementation Step

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

The Neighborhood group and staff have expressed some concern regarding the underutilization of the parcel. However, it will be providing additional parking for the Washburn Center for Children as well as be temporary in nature. The applicant is not proposing a curb cut, which would help minimize the impact on pedestrian and sidewalk traffic along Nicollet Avenue.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The Nicollet Franklin area of the PO Pedestrian Oriented Overlay District has a bicycle parking requirement that is currently not being met. The applicant will be required to provide an additional four (4) bicycle parking spaces as a result of the increased accessory parking. This should be done at the Washburn Center for Children at 2430 Nicollet Avenue. The applicant is meeting the other standards of the PO Pedestrian Oriented Overlay District including a maximum of 60 feet of parking lot frontage along Nicollet Avenue and the maximum number of accessory spaces. As noted above in finding #4, the applicant shall provide a maximum of 68 spaces total between the lot at 2430 Nicollet Avenue and 2437 Nicollet Avenue.

If the applicant provides the required bicycle parking, the use will conform to all applicable regulations of the zoning districts.

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 C2 zoning district permits 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.**

The applicant shall provide bicycle parking as required by the PO Pedestrian Oriented Overlay District.

Per City records, the lot area of the property is 13,250 square feet and there are no existing buildings nor are any proposed. The applicant is providing 6,360 square feet, which equals 48 percent of the net site area. The site plan as proposed exceeds the site plan review landscaping requirements.

A seven-foot landscaped yard is required along the west side of the property facing Nicollet Avenue and on the east side of the property along the alley. The proposed site plan meets these setbacks and landscaped yards.

The applicant is required to provide one (1) tree per 25 feet of parking lot frontage. The parking lot is 60 feet long, requiring two (2) trees, which the applicant is providing. All parking spaces are within fifty (50) feet of an on-site deciduous tree.

Three (3) foot high screening is required along the west side of the property along Nicollet Avenue and six (6) foot high screening is required along the alley to the east. The applicant is proposing a series of bushes and hedges to meet the screening requirement. Turf, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

- 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 shall expire on July 25, 2013, five years from the date of City Council Action.

- 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 commercial parking lot be allowed to operate for five years from the date of the City Council action. Per condition 2, above, the applicant will be meeting all parking and loading landscaping and screening requirements.

RECOMMENDATIONS:

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 temporary parking lot located at 2430 Nicollet Avenue, subject to the following conditions:

1. The interim use shall expire no later than July 25, 2013.
2. Four (4) bicycle parking spaces shall be provided, on the site of the principal use served, as required by section 551.155(1)(a).
3. A maximum of sixty-eight (68) spaces total shall be provided between the site of the principal use (2430 Nicollet Avenue) and site of the additional accessory parking (2437 Nicollet Avenue), as required by section 551.140(f).
4. CPED Planning staff review and approval of the final site and landscaping plans.

Attachments:

- 1) Statement of use
- 2) Zoning map
- 3) Site and landscaping plans
- 4) Photos of the site
- 5) PDR Report