



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: September 24, 2009

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Sherman Associates, Inc. has filed an application for an Interim Use Application to allow a temporary 20-space accessory surface parking lot on the vacant property located at 935 Second Street South.

Recommendation: Approve the interim use application for a temporary 20-space accessory surface parking lot.

Ward: 7

Previous Directives: Not applicable

Prepared by: Hilary Dvorak, Senior Planner Approved by: Jason Wittenberg, Planning Supervisor Presenters in Committee: Hilary Dvorak, Senior Planner
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Community Impact

- Neighborhood Notification: Notice of the Zoning and Planning Committee hearing was mailed on September 14, 2009.
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: The 60-day decision period ends on October 10, 2009.

Supporting Information

Sherman Associates, Inc. has filed an application for an Interim Use Application to allow a temporary 20-space accessory surface parking lot on the vacant property located at 935 Second Street South. The Interim Use staff report is attached.

Department of Community Planning and Economic Development – Planning Division
Interim Use Permit Application
BZZ-4524

Date: September 24, 2009

Applicant: Sherman Associates, Inc.

Addresses of Property: 935 Second Street South

Project Name: Accessory surface parking lot

Contact Person and Phone: Bjorn Strommen, (612) 332-3000

Planning Staff and Phone: Hilary Dvorak, (612)673-2639

Date Application Deemed Complete: August 17, 2009

End of 60-Day Decision Period: October 10, 2009

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

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: C3A, Community Activity Center District, DP Downtown Parking Overlay District and DH Downtown Height Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 14

Legal Description: Not applicable for the proposed development

Concurrent Review:

Interim use permit: to allow a temporary 20-space accessory surface parking lot.

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

Background: The applicant has filed an application for an Interim Use Application to allow a temporary 20-space accessory surface parking lot on the vacant property located at 935 Second Street South. 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.

In 2006 the City Planning Commission approved land use applications for a Planned Unit Development (PUD) which included a hotel and two condominium buildings. The PUD occupied the entire block bounded by Washington Avenue South, Ninth Avenue South, Second Street North and Tenth Avenue South. At this time only the hotel and one of the condominium buildings have been constructed. The applicant has stated that until the housing market recovers the second condominium building will not be built. The second condominium building was to be built on the northeasterly portion of the block. The property is currently vacant. The proposed parking lot would be located towards the southeasterly side of the property and the northeasterly side of the property will be seeded. Parking facilities are conditional uses in both the C3A Zoning District and the DP Overlay District. The 20 additional parking spaces will be used by the hotel. If approved by the City Council, construction is expected to be finished before the end of the year.

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.

Conditional Use Permit 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.

The Planning Division does not believe that an interim 20-space accessory surface parking lot would be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding area. The parking lot will be used by guests of the hotel. The parking lot will be landscaped and will be connected to the hotel site via a walkway.

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 Planning Division does not believe that an interim 20-space accessory surface parking lot would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The intent is to build the second condominium building on the site as soon as the housing market recovers. In addition to constructing the parking lot an existing curb cut along Second Street North will be closed and the remainder of the site, not occupied by the parking lot, will be landscaped and seeded. These improvements will enhance the surrounding area.

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

The applicant will be working closely with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

As part of the original approvals for the PUD 20 parking spaces were to be designated in the underground parking garage below the second condominium building for the hotel. Until that building is constructed the hotel is short on its parking. The parking lot will be accessed off of Tenth Avenue South via an existing curb cut.

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 accessory surface parking lot would not be consistent with the adopted plans for the area, including the *Historic Mills District Master Plan* and the *Update to Historic Mills District Master Plan*, if it were to be established as a permanent use. According to the *Historic Mills District Master Plan*, which was adopted by the City Council in June of 1998, the site is identified as preferred mixed-use. In addition, the plan calls for structured parking facilities to be built to replace the surface parking lots in the area.

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

Parking facilities are conditional uses in both the C3A Zoning District and the DP Overlay District. In addition to obtaining an interim use permit accessory surface parking lots are subject to Chapter 530, Site Plan Review as it relates to design and maintenance standards for parking and loading facilities. The landscaping plan for the site meets all of the site plan review standards except that there are no on-site canopy trees being proposed on the site so none of the parking spaces are located within 50 feet of an on-site canopy tree. The Planning Division does not believe that a temporary use warrants full compliance with the design and maintenance requirements of Chapter 530, Site Plan Review. The Planning Division does not believe that it would be practical to require the planting of canopy trees just to have them torn out within the next five years.

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 conditional uses in both the C3A Zoning District and the DP Overlay District. The DP Overlay District does not allow commercial parking lots and limits the size of accessory parking lots to no more than 20 spaces.

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 permit the use is in conformance with the Zoning Ordinance except as it relates to one provision of Chapter 530, Site Plan Review. The landscaping plan for the site meets all of the site plan review standards except that there are no on-site canopy trees being proposed on the site so none of the parking spaces are located within 50 feet of an on-site canopy tree. The Planning Division does not believe that a temporary use warrants full compliance with the design and maintenance requirements of Chapter 530, Site Plan Review. The Planning Division does not believe that it would be practical to require the planting of canopy trees just to have them torn out within the next five years.

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 Planning Division is recommending that the interim use permit shall expire on October 2, 2012, which is 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 up to five years from the date of the City Council action.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Council **approve** the application for an interim use permit to allow a temporary 20-space accessory surface parking lot on the property located at 935 Second Street South subject to the following conditions:

1. The interim use shall expire no later than October 2, 2012.

Department of Community Planning and Economic Development – Planning Division
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2. At the end date of the interim use the applicant shall cease operation of the temporary 20-space accessory surface parking lot or apply for applicable land use approvals.
3. The curb cut located along Second Street North shall be removed and replaced with curbing and a green boulevard.
4. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.

Attachments:

1. Statement of proposed use and description of the project
2. Findings
3. PDR report and follow up e-mail regarding the Traffic and Parking Services comment
4. August 10, 2009, letters to Council Member Goodman and the Downtown Minneapolis Neighborhood Association
5. Site drainage letter from the engineer
6. Zoning map
7. Survey, site plan, landscaping plan and lighting plan
8. Photos