



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

Date: July 26, 2007

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

Subject: Interim Use Permit – to allow a temporary 174 space surface parking lot on the vacant former Acme Tag and Label Company property.

Recommendation: Please see attached staff report.

Ward: 10

Previous Directives: Not applicable

Prepared by: Becca Farrar, Senior Planner, 612-673-3594 Approved by: Jason Wittenberg, Development Services Supervisor Presenters in Committee: Becca Farrar, Senior Planner
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Community Impact

- Neighborhood Notification: The applicant notified the Lowry Hill East Neighborhood Association (LHENA) as required on June 21, 2007 informing them of the Interim Use Application request. Staff has not received official correspondence from LHENA stating a position prior to the printing of this report.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60-day decision period: August 19, 2007
- Other: Not applicable

Supporting Information: Please see attached staff report.

Department of Community Planning and Economic Development – Planning Division
BZZ-3662

**Department of Community Planning and Economic Development – Planning
Division**

Interim Use Permit Application
BZZ-3662

Z&P Date: July 26, 2007

Applicant: The Ackerberg Group, 3033 Excelsior Boulevard, Suite 10, Minneapolis,
MN 55416, (612)924-6400

Addresses of Property: 2838 Fremont Avenue South

Project Name: Acme Interim Use Surface Parking Lot

Contact Person and Phone: Carol Lansing, Faegre & Benson LLP, 2200 Wells Fargo
Center, 90 South Seventh Street, Minneapolis, MN 55402-3901, (612)766-7005

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: June 21, 2007

End of 60-Day Decision Period: August 19, 2007

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

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association
(LHENA)

Existing Zoning: I1 (Light Industrial) District and R6 (Multiple-family) District with a
TP (Transitional Parking) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Lot area: 79,398 square feet or 1.82 acres

Legal Description: Not applicable for the proposed development

Proposed Use: A temporary 174 space surface parking lot on the vacant former Acme
Tag and Label Company property.

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

Background: The applicant has filed an application for an Interim Use Permit to allow a temporary 174 space surface parking lot on the vacant former Acme Tag and Label Company property located at 2838 Fremont Avenue 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.

The property is composed of two parcels, one zoned I1 (Light Industrial) and the other R6 (Multiple-family) with a TP (Transitional Parking) Overlay District. The proposed use would only occupy the I1 zoned property as parking facilities are conditional uses in the I1 district. The temporary parking lot is being proposed by the developers of the Mozaic project for use while the parking ramp for the development is under construction. The parking lot is being constructed to alleviate the loss of a large amount of public parking spaces currently located on the Mozaic site. The creation of the temporary parking lot would be expected to reduce parking congestion and traffic in the neighborhoods surrounding the area during the construction of Mozaic. Access to the proposed bituminous parking lot will be off an existing curb cut on Fremont Avenue South. The Mozaic project which is a mixed-use development with a total of 145 dwelling units was most recently approved by the Planning Commission on April 10, 2006, and included a 10-story condominium building with lower level retail, 8-story mixed-use building including 40,000 square feet of office space, restaurants, commercial/retail space and a newly constructed 30,317 square foot Lagoon Theater centered on a 23,000 square foot public plaza.

Planning Staff has not received official correspondence from LHENA prior to the printing of this report.

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 should the applicant provide screening in the form of vegetation on site. Planning Staff believes that despite the fact that the

subject property is adjacent to several residential properties; the use of the site temporarily for parking purposes with suggested improvements should not have many negative impacts.

- 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. The applicant is attempting to provide for the displaced parking that will occur as a result of the construction of the Mozaic project. By improving the proposed screening and providing a more visually attractive area as a result of the incorporation of vegetation, Planning Staff believes that the proposed parking lot will have less of an impact on the adjacent residential properties for the duration of the temporary use.

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

The site would be accessed off of Fremont Avenue South. A stormwater infiltration pond is proposed to be located on the southeast corner of the site. Public Works has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, etc. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required 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.**

The purpose of the interim use of the site as a parking lot is meant to alleviate and accommodate traffic congestion due to the demolition of the existing surface parking lot which serves uses within the immediate vicinity. Planning Staff believes that based on the proposal the applicant is attempting to provide adequate measures for minimizing traffic congestion in the public streets.

- 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 surface parking lot would not be consistent with adopted plans for the area, including the Midtown Greenway Land Use & Development Plan, if it were to be established as a permanent use. Numerous principles and policies of various plans would not support the use of the site as a permanent surface parking lot. According to the Midtown Greenway Land Use & Development Plan which was adopted by the City Council on February 23, 2007, the site is identified as a future high density housing site.

According to the *Minneapolis Plan*, the subject parcels are zoned I1 (Light Industrial) and the other R6 (Multiple-family) with a TP (Transitional Parking) Overlay District and located within close proximity to the Mozaic site which is a designated Activity Center and directly adjacent to the Midtown Greenway. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this specific proposal:

9.23 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas

It is Planning Staff's opinion that the provision of a temporary surface parking lot is in conformance with this policy of the comprehensive plan.

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

The I1 zoning district permits parking facilities as a conditional use permit. In addition to obtaining an interim use permit surface parking lots are subject to Chapter 530 site plan standards as it relates to design and maintenance of the proposed parking lot as well as to yard requirements due to the site's proximity to residential uses and zoning classifications. Further, hours of operation are limited in the I1 district. Planning Staff does not believe that a temporary use warrants full compliance with the above listed requirements, however, the applicant's proposal to incorporate vinyl slats into the existing chain-link fence, provide no landscaping and place rock mulch in areas that could be landscaped is not appropriate despite the fact that the use is temporary. The vinyl slats will not be permitted as a screening material as they are a prohibited material as stated in Section 535.430 of the Zoning Code. Landscaping and screening in the form of shrubs is recommended on site.

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 I1 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.

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 question #6. The subject property is currently enclosed by a security fence which is proposed to remain in place. The applicant proposes to provide screening as required by Chapter 530 of the Zoning Code adjacent to residential districts/uses by inserting standard green colored vinyl slat material or a tennis windscreen into the existing chain-link fence. The proposed chain-link with slats is a prohibited material as stated in Section 535.430 of the Zoning Code. Planning Staff recommends that the City Council require that the applicant provide screening in the form of vegetation and shrubs. Additionally, Staff recommends that the yards provided and corners of the parking lot be required to be planted with grass and that no rock mulch be used on the site. In order to preclude vehicles from parking on the perimeter grass areas, all perimeter parking spaces will need to have wheel stops. Planning Staff does not expect the proposed project to be in full compliance with all of the landscaping standards of Ch. 530, however due to the potential duration of the interim use, Staff expects some compliance.

The parking lot will be lighted by new pole-mounted fixtures that conform to necessary light levels for pedestrian and safety as well as adequate shielding to prevent undue glare onto the adjacent residential properties.

Exceptions are being requested from the Zoning Code standards based on the proposal including setback requirements, to increase the allowed hours of operation in the I1 district as well as exceptions from the landscaping and screening standards. The required yards (due to the adjacent residential uses) and the proposed perimeter landscaping adjacent to Fremont Avenue South, as well as the rest of the design and maintenance provisions in Chapter 530 are not being met. Regarding hours of operation, the proposed hours would be the same as the hours of the existing Lagoon Avenue surface parking lot. The lot would be staffed by attendants from 8:00am to 10am depending on the day of the week until 2:30am Sunday thru Wednesday and to 3:30am Friday and Saturday. The lot will remain open when staff is not present.

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 interim use permit is proposed to expire when the parking ramp for the Mozaic development is complete or August 3, 2010 at the latest. This date can be extended, but the total time for an interim use cannot exceed five (5) years. A new application, public notice, and a hearing before the Zoning and Planning

Committee would be required to extend this date. This date can only be extended for an additional 2 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 several conditions of approval for the interim use permit

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 **approve** the application for an interim use permit for a temporary surface parking lot on the property located at 2838 Fremont Avenue South subject to the following conditions:

- 1) The interim use shall expire when the parking ramp for the Mozaic development is open or no later than August 3, 2010.
- 2) At the end date of the interim use the applicant will have to cease operation of the temporary parking lot, apply for applicable land use approvals, or apply for an extension of the interim use permit.
- 3) Vinyl slat inserts into the existing chain-link fence shall not be permitted.
- 4) Incorporation of shrubs along the required screening areas on the north, east and west sides of the proposed parking area.
- 5) All proposed rock mulch shall be replaced with grass and all perimeter parking spaces shall have wheel-stops as applicable.

Attachments:

1. Statement of use / description of the project
2. Findings
3. Correspondence
4. Zoning map
5. Plans – Site, survey, lighting, etc
6. Photos
7. PDR notes