



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

Date: November 10, 2011

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

Referral to: Zoning & Planning Committee

Subject: Interim use permit to allow a temporary 50 space surface parking lot on a portion of the vacant property located at 3245 4th Street SE during Central Corridor LRT construction.

Recommendation:

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 50 space temporary surface parking lot on the property located at 3245 4th Street SE subject to the following conditions:

- 1) The interim use shall expire no later than March 31, 2014.
- 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) Incorporation of additional landscaping in the planting areas along 4th Street SE subject to Staff review and approval.

Ward: 2

Prepared by: Becca Farrar, Senior Planner, 612-673-3594 Approved by: Hilary Dvorak, Planning Manager, 612-673-2639 Presenters in Committee: Becca Farrar, Senior Planner, 612-673-3594
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Community Impact

- Neighborhood Notification: Prospect Park - East River Road Improvement Association (PPERRIA) was notified of the application.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: December 24, 2011

Background/Supporting Information

On October 26, 2011, Fraser Child and Family Center submitted an application for an interim use permit to allow a temporary 50 space surface parking lot on a portion of the vacant property located at 3245 4th Street SE during Central Corridor LRT construction. The Zoning Code authorizes the City Council to grant an interim use permit for a period of up to five years. The proposed use must be allowed as a conditional use in the district in question. See the attached staff report, recommendation, and supporting information.

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

Interim Use Permit Application
BZZ-5399

Z&P Date: November 10, 2011

Applicant: Fraser, Attn: David Halsey, 2400 West 64th Street, Richfield, MN 55423, (612)798-8308

Addresses of Property: 3245 4th Street SE

Project Name: Interim Use Parking Lot

Contact Person and Phone: Fraser, Attn: David Halsey, 2400 West 64th Street, Richfield, MN 55423, (612)798-8308

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

Date Application Deemed Complete: October 26, 2011

End of 60-Day Decision Period: December 24, 2011

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

Ward: 2 **Neighborhood Organization:** Prospect Park - East River Road Improvement Association (PPERRIA)

Existing Zoning: I1 (Light Industrial) District, UA (University Area) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Lot area: 13,068 square feet or .3 acres, out of the total of 216,929 square feet or 4.98 acres

Legal Description: Not applicable for the proposed development

Proposed Use: A temporary 50 space surface parking lot on a portion of the vacant property located at 3245 4th Street SE.

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 50 space surface parking lot on a portion of the property located at 3245 4th Street SE. 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 a large parcel, that is zoned I1 (Light Industrial) and is located in the UA (University Area) Overlay District. Parking facilities are conditional uses in the I1 district. The proposed use would be located on .3 acres of the nearly five acre site. The purpose of locating a temporary parking lot on the site would be to allow staff parking for Fraser Child & Family Center located at 3333 University Avenue SE (approximately a block away), during construction of the Central Corridor Light Rail line.

The parking lot as proposed would be located on land owned by St. Croix Partners, Inc. (a subsidiary of Hubbard Broadcasting, Inc.). The proposed dimensions of the parking lot would be 60 feet wide by 200 feet long accommodating 50 standard sized (8.5 x 18) parking stalls and a 24-foot wide drive aisle. The site would be surfaced with class 5 gravel and two water collection basins would be located on either side of the parking lot entry to catch any runoff from rain events. The curb cut into the proposed surface parking lot is existing. The applicant has preliminarily met and worked with Public Works on the proposal. Additional coordination shall transpire as necessary should the interim use be approved.

Planning Staff has not received official correspondence from Prospect Park – East River Road Improvement Association (PPERRIA) 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. It should help alleviate general congestion in the area by providing a centralized location for staff parking during light rail construction. The applicant has stated that the use of the parking lot shall be controlled. Fraser stickers would be required for all staff utilizing the parking lot and all unauthorized vehicles would be towed. Further, the applicant has stated that the existing gate surrounding the site would remain in place and would be closed to prevent unauthorized parking as necessary on weekends or evenings.

- 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 meant to provide a centralized location for displaced

parking for staff members of Fraser Child and Family Center during light rail construction. 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 be accessed off of 4th Avenue SE via an existing curb cut. Planning Staff has confirmed with Minneapolis Development Review that no formal Public Works review and approval is necessary. However, the applicant will need to keep Public Works apprised of their efforts related to stormwater management, and erosion control on the site. The applicant is aware that they will need to monitor the site on a regular basis particularly after rain events.

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 as a result of light rail construction. The temporary parking lot does not solve the long term parking needs for the facility, however. Planning Staff believes that based on the proposal the applicant is attempting to provide adequate measures for minimizing traffic congestion in the public streets as a result of the circumstances in the general area.

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 adopted plans for the area, including the University Avenue SE / 29th Street SE Development Objectives and Guidelines, the Southeast Minneapolis Industrial (SEMI) / Bridal Veil Refined Master Plan, and the Industrial Land Use and Employment Policy Plan if it were to be established as a permanent use. Numerous principles and policies of these plans in addition to policies noted in the City's *Minneapolis Plan for Sustainable Growth* would not support the use of the site as a permanent surface parking lot. The University Avenue SE / 29th Street SE Development Objectives and Guidelines identify the site as an industrial redevelopment opportunity site per the SEMI plan. The Industrial Land Use and Employment Policy Plan identifies this site as being located within the boundaries of the SEMI Industrial Employment District.

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 Review 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 a residentially zoned property. Planning Staff does not believe that a temporary use warrants full compliance with the above listed requirements including surfacing, landscaping, etc. The surface of the

proposed parking lot is currently class 5; typically, Planning Staff would require a parking lot to be paved and striped. The applicant expects that minimal disturbance via grading of the lot will be necessary to solidify/compact the parking areas. Approximately, 180 square feet of landscaping is proposed adjacent to 4th Street SE between the parking area and the existing sidewalk. The applicant proposes a total of 10 mint julep juniper plants in the landscaped areas. Planning Staff would recommend that additional plantings be included in these areas in order to provide some diversity of plantings as well as some screening of the parking lot on 4th Avenue SE. Any additional modifications including, curbing, landscape islands, perimeter screening, etc., would not seem practical to include based on the expected duration of the 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 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 finding number six. The applicant proposes minor grading to the existing class 5 surface as necessary as well as rainwater runoff catch basins and landscaped planting areas adjacent to 4th Avenue SE. No additional improvements are proposed to the site.

Other than street lighting located in the general area, the parking lot is not lit or proposed to be lit. The parking lot would be utilized during the day for staff parking. There are adjacent residential uses to the west approximately 26 feet from the proposed parking lot.

There are several Zoning Code exceptions being requested based on the proposal. An exception is necessary for the front yard setback due to the adjacent residential use and zoning as a 20 foot setback for the first 40 linear feet from west to east would be required along the south property line adjacent to 4th Street SE per Section 550.160 of the Zoning Code. The required front yard setback would be the lesser of the front yard required by the R1A district as the established setback is considerably greater than 20 feet. Further, the perimeter landscaping and screening standards are also not being met in addition to the remainder of the design and maintenance provisions outlined in Chapter 530.

- 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 March 31, 2014, as it is anticipated that the Central Corridor LRT line will be running in early 2014. 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 further.

- 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 March 31, 2014, as requested by the applicant.

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 50 space temporary surface parking lot on the property located at 3245 4th Street SE subject to the following conditions:

- 1) The interim use shall expire no later than March 31, 2014.
- 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) Incorporation of additional landscaping in the planting areas along 4th Street SE subject to Staff review and approval.

Attachments:

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