

IX. Implementation/Finance Plan

The following chapter outlines an implementation methodology for the Midtown Greenway Land Use and Development Plan and offers tools to assist the public and private realms in the realization of the community vision for the Midtown Greenway. Two primary approaches are discussed below:

- Ownership and financing strategies for public sector investment in an improved public realm to serve as catalysts for private redevelopment
- Zoning and regulatory recommendations, including consideration of a zoning overlay district in the Midtown Greenway area, to guide redevelopment and support the future land use plan

Public Realm Implementation

One of the most effective methods to encourage private development that is both timely and compatible with the goals of the community is for the City to invest in the infrastructure and public realm. An improved public realm can serve as a development catalyst, signaling to developers and land owners the City's commitment to strengthening the area and indicating a reduction in the number and magnitude of risk factors for the development community.

The public realm features and improvements recommended by this report were prepared within the context of both public desire and the City of Minneapolis implementation process. Input was obtained from the Minneapolis Park and Recreation Board regarding current and future open space purchase and management policies, which have been incorporated into the strategies described below. These ownership and financing strategies give an overview of the recommendations and tools available to the City and neighborhoods to implement the public realm portion of the plan, with overall goals of improving livability and spurring Greenway-friendly private sector investment and development along the Midtown Greenway.

Ownership/Financing Strategies

Definition of Public Realm Features

The following are definitions of the primary public realm features as proposed and recommended in the Midtown Greenway Land Use and Development Plan. Please refer to *Chapter VI. Land Use* and to Figures 5, 6 and 7 for further information and locations of each feature within the project area.

Streets and Sidewalks – Hard surface vehicular routes and pedestrian walkways along property or streets.

Promenades – Hard surface pedestrian walkways located between private development and the Greenway.

Community Gardens – Property owned and maintained for the purpose of community gardening.

Parks – Property owned and maintained for public recreational or passive use.

Greenway Access Points – Property containing an access way to transit stations or the Greenway path.

Transit Station Areas – Property containing a transit station or adjacent plaza.

Financing Tools

Special Services Districts

Under Minnesota Statutes (Sections 428A.01 through 428A.101), a special services district can be established for financing an increased level of improvements and services in commercial districts over and above those that would be provided throughout the city under general fund revenues. Examples of such services might include maintenance and replacement of landscape materials, irrigation, decorative lighting, special signage, and maintenance and repair of special streetscape furnishings, bicycle racks, kiosks, sculptures and the like. A special development district for a percent for art ordinance on private development (excluding housing) adjacent to the Greenway was a recommendation in a previous document, *Resonant Journey, Public Art Master Plan for the Midtown Greenway Corridor*, p.35, item #3.

Residential property can be included in a special service district but cannot be levied a service charge. However, by private agreement, residential properties can participate in the services provided by the district.

Recent changes to the law have made it mandatory to obtain the participation of private owners to establish a special services district. Owners comprising at least 25 percent of the commercial land and at least 25 percent of the net tax capacity of the commercial property in the district must initiate a petition with the City Clerk. After a hearing with proper notice, a resolution of the City Council can establish the district. Within 45 days, if 35 percent of the property owners within the district file objections, the resolution does not take effect.

Clearly, it is important that services provided under the Special Services District provide sufficient benefit to adjacent property owners to induce their cooperation in permitting this process to proceed.

Housing Improvement Areas

Under Minnesota Statutes (Sections 428A.11 through 428A.21), a housing improvement area can be established where housing improvements are made or constructed and the costs of the improvements are paid in whole or in part from fees imposed within the area. Housing improvements may include improvements to common elements of a condominium or other common interest community.

Similar to a Special Services District, 25 percent or more of the housing units to be charged a fee in the area must file a petition to initiate the district. A similar veto power exists for 35 percent of the assessed unit owners.

An ongoing analysis of development along the Greenway will be required to determine the correct selection of, or combination of Special Service Districts and Housing Improvement Areas to be established to provide funding and maintenance for segments along the Greenway and promenade.

Special Assessments

Provisions for Special Assessments are found in Minnesota Statutes Chapter 429, Sections 429.021 through 429.061, permitting cities to acquire and build sidewalks, streets, sewers and the like and to assess fees for their payment after special hearings and assignment of assessments to an assessment roll. The amount assessed per parcel or lot is allocated by dollar amount without regard to property valuation. This is the standard method of financing new capital improvements.

Capital Improvement Funds

Section 451.572 of Minnesota Statutes permits the establishment of an Infrastructure Replacement reserve fund for replacement of capital items like curbs, gutters, sidewalks, trees and streets. This is useful only for replacement of existing items - otherwise Special Assessments should be used.

Recommended Ownership, Management and Timing

Streets and Sidewalks

Streets and Sidewalks should be owned by the City. Maintenance should be by the city with sidewalk snow removal by adjacent landowners, except in the case where a special service district or housing improvement area exists.

Acquisition of property for additional 29th Street right-of-way should be pursued beginning immediately. Where possible this should occur in conjunction with adjacent redevelopment, but where gaps would prevent completion of the roadway, condemnation may be considered. As segments of 29th are reconstructed in the future, if the full proposed 56-foot-wide right-of-way cannot be secured, the creation of a sidewalk along the Greenway rim should be prioritized over vehicular space on the roadway, seeking creative traffic calming solutions on 29th Street.

Reconstruction of most parts of West 29th Street is deemed necessary by the City's Public Works Department. The establishment of sidewalks between the street and the Greenway edge should be undertaken with the reconstruction of the road. Financing for acquisition and construction should come from the City's capital improvement general funds, from special assessments or from project-related financing where there is a redevelopment project on adjacent property.

Promenades

Promenades are recommended to remain in private ownership, where possible, with an easement given to the City for public use. Where gaps in private property exist, ownership should be public.

Maintenance should be by cooperation and agreement with the private landowners, by special services district or within a housing improvement area.

Promenade property should be negotiated as a part of new development where a promenade is designated along the Greenway. Where the provision of a promenade cannot be negotiated, buildings should still be setback from the greenway edge a minimum of 15 feet so as not to foreclose the possibility of providing a more complete promenade network in the future. This is discussed further under the regulation section below.

Ideally, consideration for the acquisition of easements might be given in the form of development incentives appropriate to new redevelopment. This should be explored. Where necessary to complete the route of a promenade, the property can be acquired by the City through condemnation, with funding through its capital budget or through special assessments as permitted by law.

Community Gardens

The Minneapolis Park and Recreation Board or a non-profit organization are recommended for ownership of Community gardens. Operation and maintenance of the garden should be the responsibility of a non-profit organization.

The Minneapolis Park and Recreation Board (MPRB) has recently passed resolutions to accept community gardens with the following requirements: a) there must be a group willing to maintain and manage the garden, b) the exiting land owner must convey it to the MPRB for one dollar, and c) the group maintaining and managing the garden must provide the MPRB with proof of insurance.

Upon meeting these conditions, the MPRB by resolution will accept conveyance of the property. If the managing group fails to maintain and manage the garden the MPRB may: a) seek a new group to maintain and manage the garden, b) determine alternative recreation opportunities for the site, or c) return the land to the previous owner.

The Park and Recreation Board is not actively pursuing the acquisition of community gardens, but the establishment of this process allows it to play this supportive role if requested.

Acquisition of the Soo Line Gardens property or negotiation of its donation to the Minneapolis Park and Recreation Board should be pursued by groups interested in preserving this use. Funding for this use must come from private sources.

Parks

The Minneapolis Park and Recreation Board is the recommended owner of any parks created in the Midtown Greenway area.

There is one site adjacent to the Midtown Greenway that has the potential to fit the definition of a park as defined in this report. Crossroads Park is the name utilized for a park that is proposed to be created in the vicinity of 5th Avenue and the Midtown Greenway. According to Park Board staff, the land that might be made available in this area may be of a sufficient scale for it to be meaningfully programmed so that it complements the recreational offerings of other parks in the area. If borne out by further design work, the MPRB may be willing to acquire property to create and manage this park. If open spaces along the Greenway at other locations should be proposed where park functions are provided, perhaps even at multi-functional sites where new trail access may be provided, the MPRB is a possible candidate to participate in ownership and/or maintenance. A possible implementation mechanism that should be explored is the use of a park dedication fee, already being considered in both Minneapolis and St. Paul.

Greenway Access Points

Hennepin County Regional Rail Authority or a private entity are the recommended owners of Greenway Access Points including where they are expanded to provide more open space, landscaping, public art or other community amenities—unless a major function for a given site is res. If owned by a private party, there should be a public use easement in place. Maintenance should be conducted by Hennepin County Regional Rail Authority, a private entity or a special services district.

Transit Station Areas

Hennepin County Regional Rail Authority is the recommended owner of Transit Station Areas. Maintenance should be by the transit operator or a special services district.

Likely future locations of transit stations along the Midtown Greenway are noted in the proposed public realm maps (see Figures 5-7) At these locations, the preservation of physical space for future transit stations of appropriate scale is critical when new development is proposed. Expanded and enhanced public space associated with future transit stations can be encouraged through the use of zoning, conditioned public funding and other development incentives where City participation is required for new development. These public spaces could be included in Special Service Districts or Housing Improvement Areas.

Phasing

Unlike the development of a market through creation of catalytic development, it appears that a growing market is already established along the Greenway; development of new uses and buildings along it is scattered and unique, dictated by events occurring near any given parcel and area. This circumstance recommends an opportunistic approach to timing and acquisition of public spaces as adjacent development occurs.

In specific cases, there may be benefit in consolidating efforts to complete the acquisition or assembly of public spaces.

A time-related consideration is the sunset provision of Minnesota Statutes for the establishment of Special Service Districts and Housing Improvement Areas. If these are not established by June 30, 2009, they must be established thereafter by special statute.

Public Realm Summary Implementation Matrix

The following table summarizes the recommendations regarding ownership, management and maintenance for the public realm features discussed here. Please refer to the above sections for further detail.

Public Space Type	Ownership	Management/Maintenance
Streets & Sidewalks	City of Minneapolis	Maintenance by the City. Snow removal from sidewalks by adjacent landowner, except where Special Services District or Housing Improvement Area provides maintenance
Promenades	Private with public use easement	By agreement with landowners under Special Services District or Housing Improvement Area
Community Gardens	Non-profit entity or Park and Recreation Board	By Non-Profit Organization
Parks	Minneapolis Park and Recreation Board	By Minneapolis Park and Recreation Board
Greenway Access Points	Hennepin County Regional Rail Authority or adjacent landowner with public use easement	By Hennepin County Regional Rail Authority, adjacent landowner, or by Special Services District or Housing Improvement Area
Transit Station Areas	Hennepin County Regional Rail Authority or adjacent landowner with public use easement	By Hennepin County Regional Rail Authority, adjacent landowner, or by Special Services District or Housing Improvement Area

Zoning and Regulatory Recommendations

As discussed in Chapter II. Summary of Research, The Minneapolis Plan is supported by regulatory tools designed to implement the goals and policies of the City’s comprehensive plan. Therefore, the City of Minneapolis Zoning Code must not only complement but also support The Minneapolis Plan. Upon adoption of the Midtown Greenway Land Use and Development

The following **zoning and regulatory strategies** are recommended:

1. **15-foot setbacks** along the Midtown Greenway property line.
2. **Prohibition of billboards** within 300 feet of the Greenway.
3. **Explicit consideration of shadowing and visual connectedness** in conditional use permit applications for additional height.
4. **Consideration of density variances where private land is dedicated** for the purpose of providing one of the identified public realm features.

Plan and its subsequent amendment to The Minneapolis Plan, the City’s Zoning Code and Map may need to be modified to correspond to the principles and recommendations of the Midtown Greenway plan.

In addition to regulatory approaches, there are other means to achieving development that meets the goals and recommendations of the Midtown Greenway Land Use and Development Plan. A balance needs to be maintained between guiding development with regulations and allowing the flexibility necessary for development to reflect the desires of the community while also remaining attractive to the development community. Clearly stated guidelines can communicate to community-minded developers and land owners the neighborhood and city goals for the Greenway area, as well as ways to retain community support for projects.

Zoning Code Support

A vast majority of the City’s zoning districts are represented throughout the Midtown Greenway project area, reflecting the diversity that exists in this central part of the City. As part of the Midtown Greenway Land Use and Development Plan, existing zoning regulations were evaluated to determine their correspondence to the recommended future land use plan and associated development guidelines/districts. Based on this evaluation, it was determined that some zoning districts would have to be changed in the Greenway area to better reflect the Plan’s recommendations. Additionally, some minor changes and/or clarifications to the City’s zoning ordinance may have to be made.

The Midtown Greenway Coalition has proposed the modification of the Minneapolis Zoning Code by adding a Midtown Greenway Zoning Overlay District (MGZOD) which would affect the zoning requirements for property that fall within 200 feet of the edge of the Midtown Greenway right-of-way. Please refer to *Appendix C* for a summary of this document. The MGZOD is a very comprehensive document that does an excellent job of identifying a menu of Greenway related topics that may benefit from additional regulatory control. Because of that, this part of the Implementation chapter is loosely organized around the MGZOD sections. Each section provides an analysis of the approach suggested in the MGZOD in the context of this Plan and existing Minneapolis regulations. And it outlines a set of recommended regulatory strategies that should be employed in support of the objectives of this plan and other Greenway related documents.

Prohibited and Conditional Uses

The prohibited uses as described in the draft MGZOD include vehicle salvage yards, outdoor storage of industrial machinery, motor vehicle sales or storage, dry cleaning plants, automobile services and rock crushing facilities. These types of uses are not supported by the Midtown Greenway Land Use and Development Plan’s Principles of Greenway-Friendly Development. Additionally, this plan’s Future Land Use map does not support the establishment of these types of commercial and industrial uses. Rezoning is anticipated as follow up to this plan.

Façade Transparency

The draft MGZOD would require 20 percent of first floor facades on residential buildings and 30 percent of first floor facades on commercial buildings to consist of fenestration (doors and/or windows). All new construction, both residential and non-residential, is currently subject to the City's site plan review ordinance, which imposes the same fenestration requirements. Section 530.120 of the ordinance requires this percentage of fenestration for all facades facing a public street, public sidewalk, or "public pathway," with public pathway specifically defined to include the Midtown Greenway. The site plan review ordinance also requires that 10 percent of upper floor facades facing a public pathway are windows.

Entrances

The draft MGZOD states that certain new development requires entrances facing the Greenway. While this is encouraged by the Midtown Greenway Land Use and Development Plan, it is not required. There may be some cases where primary or secondary entrances may face the Greenway, which would help to satisfy the façade transparency requirements (see above); however, the location of entrances for each individual redevelopment project will need to be evaluated based on other locational factors.

Buffering and Screening

Very few of the uses to be screened in the draft MGZOD (i.e. outdoor storage of materials) would be allowed under the future land use map of the Midtown Greenway Land Use and Development Plan. Where the draft MGZOD requires screening, as between parking areas and the Greenway, the proposed requirement is eight feet of screening. The City's site plan review ordinance requires seven feet of screening between parking areas and public pathways. As such, this screening requirement (albeit one foot narrower) is met by current regulatory tools.

Setbacks are important along the Midtown Greenway property line. New development along the greenway is in almost all cases guided medium to high density. Maintaining an appropriate distance from the public edge is important in order to put new structures in appropriate physical relationship to the public space. It also supports an ample landscaping buffer, or makes it possible to contribute to the promenade network. This plan recommends that a setback of 15 feet be established along the Midtown Greenway property line.

Signs

The draft MGZOD indicates that no freestanding signs will be allowed on sites abutting the Greenway. Identification signs and building addresses placed on walls facing the Greenway cannot exceed 18 inches in height unless the establishment chooses to open a public entrance facing onto the Greenway. Also, no off-premise signs are allowed to be placed in yards or on roofs visible from the Greenway.

The current ordinance allows one freestanding sign per zoning lot and no on-premise roof top signs. The off-premise section of the ordinance (Chapter

544) addresses billboards and roof signage. This section could be modified to address the Greenway in a similar manner in which it addresses signs next to parks: “No advertising sign or billboard, except a sign designated by the heritage preservation commission or a sign determined to be a contributing feature in a historic district, shall be located within 300 feet of a parkway or a public park of 3 acres or more.” This could be modified to include the Midtown Greenway frontage.

Drainage

The draft MGZOD would require that stormwater be directed away from the Greenway, or to be stored and filtered on site. The City’s stormwater management ordinance currently requires any site over one acre in size to meet the requirements of the ordinance, which in essence requires that stormwater be retained on site. Thus the drainage requirements of major redevelopment projects (those over one acre) would meet the intent of the draft MGZOD.

Neighborhood and Agency Review

If adopted, the draft MGZOD would require review of development projects by the Midtown Greenway Coalition, in addition to notifying affected neighborhood organizations. There is no precedent in the current ordinance to require this extra process in an overlay district and therefore is unlikely to be supported. However, the Midtown Greenway Land Use and Development Plan herein suggests that the City and the Greenway community may benefit from adopting a practice of notifying the Midtown Greenway Coalition where development proposals are adjacent to or near the Greenway.

Building Height

The draft MGZOD set height limits on the south side of the Greenway that are expressed in a complex set of tables that differentiate between location and distance away from the southern Greenway right-of-way. Additionally, the south side height limitations as stated in the draft MGZOD allow only 15 percent of the frontage of the structure to extend above the height limit and cast a shadow on the Greenway. This aggressive requirement protects the greenway from the prospect of new development excessively shadowing the Greenway. There is a countervailing community building and public safety value associated with windows that provide visual connections to and informal surveillance of the Midtown Greenway. However, this function can be better provided by buildings on the north side of the Greenway where trail shading is not an issue because of winter sun angles and the fact that buildings are adjacent to the trail and not future trail transit. Moreover, it seems to go beyond what is required in order to protect solar access to the greenway.

For this reason, this study recommends that a zoning overlay district be created to protect the Greenway trails from permanent winter shading for achieving the critical MGZOD goal of allowing sun to reach all parts of the Greenway to melt snow.

The following table lists the full set of issues to be addressed by a Midtown Greenway zoning overlay district.

Issue Addressed	Approach	Notes
Prohibited and Conditional Uses	A list of uses prohibited and conditional uses along the Greenway	
Building Height	Require that shadowing studies be done to show that new buildings on the south do not shade the trails (15% of the façade shading is allowed)	
Land Dedication Credit	Density credit for dedicating land for promenade and/or publicly accessible greenspace	Could be studied for application City-wide

A conditional use permit will generally be required for proposed buildings over the maximum permitted height of the City’s zoning districts, which is usually up to four stories along the Midtown Greenway. A conditional use permit review requires compatibility with surrounding properties by requiring the following findings:

“The establishment . . . of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.”

“The conditional 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.”

This study proposes that, as a matter of protocol, an additional test be considered in the evaluation of whether a proposed development is “detrimental to the public welfare”, or is “injurious to the use and enjoyment of other property”. The test is the following:

“Whether the conditional use allows every part of the greenway trail to have solar access for much of the day in all months of the year.”

To evaluate this question, applicants for conditional use permits would be asked to provide illustrations of the summer and winter season shading patterns on the Greenway for midmorning, noon and midafternoon, along

with a written description of the strategy and specific measures taken to minimize the shadowing of the Greenway.

Land Dedication

Land dedication for public purposes is desirable in order to meet a number of Midtown Greenway objectives, particularly in relation to the provision of land for promenades, greenway access points, and transit stations. The draft MGZOD recommended that dedication of property be encouraged by providing a two-to-one density credit for dedicated land. This would incentivize the dedication of property for public purposes by allowing a developer to construct more than the number of units originally allowed based on the original land area. A density credit of this kind would be a new element in the city's zoning code that would require analysis that is beyond the scope of this study.

In the absence of an as-of-right development credit, there is a mechanism under the current zoning code that would allow the consideration of allowing additional development density in instances where land is dedicated for a public purpose. A density variance of up to 30% is available in the City's zoning code. The variance application requires the demonstration of hardship. While the response to a variance application cannot be predetermined, there is agreement among staff that the dedication of land for public purpose may be used to support an applicant's demonstration of hardship. The result in many cases may be the approval of density variances that support additional units of housing or higher floor area ratios in instances where land is dedicated for public purposes. While a setback requirement recommended elsewhere in this plan would keep buildings from being places inappropriately relative to the Greenway, additional implementation tools such as creative funding ideas for publicly accessible walkways along the Greenway's edge on land dedicated by private parties have yet to be devised and would help to implement such walkways.

Parking Credits

The draft MGZOD recommends that the parking credit allowed by the current City ordinance be doubled from 10 percent to 20 percent for commercial or industrial parcels that provide bicycle or pedestrian access from its site to the Greenway. The City is currently in the process of updating its parking ordinance and will consider this recommendation.