



## **Resolution 2015-132**

**Resolution Approving a Parkland Development and Easement Agreement with Eagle Iron Partners, LLC and the City of Minneapolis for Application of the “Private Land Maintained for Public Use” Park Dedication Option to the Mill City Quarter Development Project in Downtown Minneapolis**

Whereas, The Minneapolis Park and Recreation Board (MPRB) was created by the Minnesota Legislature in April 1883 and has the authority to manage and operate park facilities;

Whereas, A land development interest incorporated as Eagle Iron Partners, LLC (the “Developer”) is pursuing a development project known as Mill City Quarter at 101 Third Avenue South and 300 Second Street South in downtown Minneapolis;

Whereas, Chapter 15 of the MPRB Code of Ordinances related to parkland dedication offers three park dedication alternatives for new development including the dedication of land, the payment of a fee, or the establishment of “private land maintained for public use;”

Whereas, The Mill City Quarter development project is subject to the requirements of Chapter 15 of the MPRB Code of Ordinances and an identical city ordinance and the MPRB previously evaluated park dedication options associated with the Mill City Quarter development project to determine that the fee option would total roughly \$62,400;

Whereas, MPRB staff has closely reviewed the Mill City Quarter development project to determine that it can provide highly unique public value specific to park system needs that exceeds the park dedication fee if the “private land maintained for public use” option were applied to the project;

Whereas, The development offers an opportunity to establish a vital bicycle and pedestrian link from downtown to the Central Mississippi Riverfront Regional Park and create strategically located parking that would be made available as public parking during specified times and that would conveniently serve park visitors and the proposed Water Works project;

Whereas, MPRB Code of Ordinances Section 15-5 outlines the criteria and procedures necessary to implement the “private land maintained for public use” option including execution of a parkland development agreement between the MPRB, City, and developer;

Whereas, By evaluating Ordinance Section 15-5, MPRB staff has determined that the Mill City Quarter project can achieve the Ordinance criteria;



Whereas, The proponents of the Mill City Quarter development project have developed plans demonstrating the “private land maintained for public use” option in response to a draft agreement requiring the development of an amenity-rich plaza-street that offers passage from Second Street South and a point near the proposed Water Works project, provides evening and weekend fee-for-use parking that would be available for park users, and establishes these benefits perpetually;

Whereas, In discussions between representatives of the Mill City Quarter development project and MPRB staff, the Developer acknowledged the need for refinements to the proposed design that would result in a more definitive articulation of a zone for pedestrian movement, provide additional limited enhancements that promote pedestrian accommodation, include appropriately scaled and located signage that clearly and permanently identifies the easement area and that indicates the easement area is a passage available to pedestrians and bicycles at all times and for parking during specified evening and weekend hours, and has proposed modifications to the agreement that allow MPRB staff to define those refinements for incorporation into the construction documents by the developer’s landscape architect;

Whereas, MPRB staff recommends the agreement, if approved, require that during regular park hours of 6am to 10pm daily throughout the entire year any enclosures, gates, or fences included in the design shall not preclude the passage of pedestrians or bicyclists through the easement area or in any way limit the passage of pedestrians or bicyclists between the easement area and adjacent or nearby park lands once appropriate connections are constructed;

Whereas, MPRB staff believes the landscape improvements indicated in the plans are a substantive component of the design and necessary to establish the qualities of an amenity-rich plaza-street and recommends the agreement, if approved, require that any landscape improvement indicated in an approved plan be replaced within one growing season should it die or demonstrate lack of health or vigor in more than 25 percent of the plant;

Whereas, MPRB staff believes the surface materials and streetscape features are substantive components of the design and necessary to establish the qualities of an amenity-rich plaza-street and recommends the agreement, if approved, require that the surface materials and streetscape features be maintained to be in good, safe, operative, and attractive condition, and that these elements be replaced when it is demonstrated that they are no longer repairable, their continued use poses safety concerns or hazards to the public, or their aesthetics as a result of age or wear no longer reflect the qualities of an amenity-rich plaza-street; and

Whereas, This resolution is supported by the MPRB 2007-2020 Comprehensive Plan, which envisions “Dynamic parks that shape city character and meet diverse community needs”;



RESOLVED, That the Board of Commissioners directs staff and legal counsel to work with the Developer and City of Minneapolis to prepare refinements to the plans and the Parkland Development and Easement Agreement that clarify passage for pedestrians, identify the easement area through signage as a publicly-accessible zone and specify times available for public parking, and ensure open and continuous passage for pedestrians and bicyclists through the easement area during normal park hours of 6am to 10pm daily throughout the entire year with exception for a limited number of special events, and establish terms in the Parkland Development and Easement Agreement that ensure the landscape improvements, surface materials, and streetscape features are perpetuated to maintain the nature of an amenity-rich plaza-street;

RESOLVED, That the Board of Commissioners approves the Parkland Development and Easement Agreement with Eagle Iron Partners, LLC and the City of Minneapolis for application of the “private land maintained for public use” park dedication option to the Mill City Quarter development project in downtown Minneapolis provided the terms outlined in this Resolution are incorporated in the Parkland Development and Easement Agreement; and

RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.



TO: Minneapolis Park and Recreation Board

FROM: Jayne Miller, Superintendent

DATE: February 18, 2015

SUBJECT: Resolution Approving a Parkland Development and Easement Agreement with Eagle Iron Partners, LLC and the City of Minneapolis for Application of the “Private Land Maintained for Public Use” Park Dedication Option to the Mill City Quarter Development Project in Downtown Minneapolis

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## **BACKGROUND**

This Board action approves a Parkland Development and Easement Agreement that establishes a “private land maintained for public use” park dedication option for a development project known as Mill City Quarter at 101 Third Avenue South and 300 Second Street South in downtown Minneapolis. The agreement defines the intended nature of the improvements, the terms of the relationship between the Minneapolis Park and Recreation Board (MPRB) and Eagle Iron Partners (the developer), and MPRB’s determination to apply the “private land maintained for public use” park dedication option to the project.

The Mill City Quarter project is a high-density, affordable housing and senior living development project that will replace an existing surface parking lot. The redevelopment area contains a former rail corridor from First Street South to Second Street South, which Eagle Iron Partners intends to develop as an amenity-rich plaza-street (referred to as the “Woonerf” in the agreement) with accommodation for vehicle parking and perpetual passage for pedestrians and bicyclists. Plans developed for the woonerf and provided by the development team demonstrate the configuration and nature of the improvements.

Chapter 15 of the MPRB Code of Ordinances regarding park dedication offers three park dedication alternatives for new development including the dedication of land, the payment of a fee, or the creation of private land maintained for public use. The MPRB has evaluated park dedication options associated with Mill City Quarter to determine that the fee option would total roughly \$62,400.

The creation of the woonerf aligns with the “private land maintained for public use” option for park dedication. To effect this method of dedication, a Parkland Development and Easement Agreement has been drafted. The draft agreement recites the development project description, the boundaries of the proposed woonerf, and the ordinances used to establish this method of parkland dedication, as well as a description of the woonerf improvements and the schedule for



completing those improvements. Importantly, the woonerf description states that it “will be designed as an amenity-rich plaza-street that accommodates automobiles, pedestrians and bicycles without impairing reasonable access to the owners, occupants and users of the adjacent buildings.” The draft agreement also indicates hours during which the woonerf may be used for public parking (weekday evenings from 6:00 p.m. to the close of park hours and all weekends/holidays during park hours). The provision of fee-for-use parking is not exclusive to park users.

Access to the riverfront would occur through the woonerf once MPRB completes a trail connection from the terminus of the woonerf to trails along the riverfront. Until that time, the developer intends to install and maintain a gate in a closed and locked position. The draft agreement allows the developer to control a gate at the terminus of the woonerf with open times coinciding with park hours. The draft agreement allows for the gate to remain open longer based on metrics defined through an “open-gate analysis.”

For the MPRB, the proposed woonerf offers clear benefits by providing for the passage for pedestrians and bicyclists between Second Street South and MPRB trails along and near the riverfront. Parking, while not exclusive to park users during non-business hours, augments parking in the area that might be used by park visitors. In addition, the easement is perpetual, so these benefits will remain for park users even with changes in the adjacent development.

The woonerf improvements are best demonstrated in drawings provided by the developer. In summary the improvements subject to the Parkland Development and Easement Agreement area limited to the bounds of the former railroad corridor and include:

- A five-foot wide planting zone at each side of the woonerf and surfaced with pervious pavers;
- Parking bays surfaced in colored concrete along each side of a colored concrete drive aisle;
- A 16-inch wide concrete paver band at the juncture of the parking bay and drive aisle;
- Lighting supported by an overhead catenary system;
- Parking totaling 80 spaces and configured as “head-in” spaces;
- Landscaping, primarily trees, in the five-foot wide planting zone with occasional (three) interruptions in the pattern of “head-in” parking spaces; and
- Signage and fixtures supporting fee-for-use parking.

Staff review of the proposed improvements focused on a comparison of the drawings provided by the developer to the description of the woonerf improvements included in the Parkland Development and Easement Agreement. In particular, staff sought to understand the nature of the proposed improvements as an “amenity-rich plaza-street” and the ways in which those improvements accommodate automobiles, pedestrians, and bicyclists. Attention was directed to the relative balance of space dedicated to automobiles and the intended accommodation of pedestrians and bicyclists, and as a result, requested the developer to diagram the methods of accommodating non-vehicular movements in ways that are safe, clear, and logical. The



developer's response demonstrated the mixing of movement types (noted as "shared use" in a diagram designating use of the woonerf space) in the drive aisle. Exclusive accommodation of pedestrian movements occurs on five-foot wide walks outside of the woonerf (and outside of the easement area), and extending only through the southerly portion of the woonerf.

Notably, the woonerf description provided as part of the agreement does not include benches. The notion of an amenity-rich space that accommodates pedestrians suggests that benches be a part of the design. In approving this agreement, the Board should require benches be provided in reasonable proportion to the length of the woonerf. Bike racks are not described as part of the woonerf improvements, but because the space is intended for passage, not occupation, the need for accommodating bike storage should be accommodated in non-easement areas.

Staff also notes that the nature of an "amenity-rich plaza-street" as evidenced by the drawings is directed primarily to a constructed surface dedicated to parking spaces and driving access to those spaces and the landscaping at the margins of the woonerf. Spaces that might be considered to be "amenity-rich" occur near the entrances to the woonerf, but significantly those spaces are not included in the easement. These spaces are not detailed in drawings provided by the developer, but would seem to include paving patterns reflecting the area's rail history, seating opportunities, railroad artifacts, and, in one case, plantings. Drawings provided by the developer indicate these spaces as "public plaza" and the Mill City Quarter Woonerf Design Standards (attachment D to the Parkland Development and Easement Agreement, page 1, bullet 6 under Mill City Quarter Woonerf Design best management practices) suggest that pedestrians might use these spaces to access the riverfront. While outside of the woonerf, staff's interpretation is that the combination of drawings and described best management practices indicate these spaces will be as perpetually accessible for pedestrians as the woonerf itself. The developer, in a meeting with staff, has indicated otherwise, and that the perpetuation of these spaces as publicly accessible is limited by internal agreements.

Similarly, the five-foot wide walks paralleling but outside of the easement area are indicated in drawings provided by the developer as providing pedestrian passage through the woonerf. But these spaces, like the public plazas described above, are not included in the easement agreement and cannot be assumed to be perpetual. Still, attachment D describes these walks as "a dedicated 5' wide minimum walkway" in its description of best management practices that will be included in the woonerf design.

Without changes to the design of the woonerf, maintaining the public plazas and parallel walks would seem to be a necessary component of pedestrian accommodation satisfying the woonerf improvements description of the Parkland Development and Easement Agreement.

As a result of the public plazas and parallel walks not being part of the easement area, the mixed nature of the drive aisle becomes significant. Without assurances that the public plazas



and parallel sidewalks will be perpetually available for passage between Second Street South and the riverfront, the drive aisle may become the only space that accommodates pedestrian passage. Staff has described improvements to the surfacing of the drive aisle that better signals a separation of pedestrians and vehicles, but the intended balance of movements typical of a woonerf and demonstrated in a “landscape visioning” drawing prepared by the developer is not achieved, in staff’s opinion, in the proposed design.

Bicycle movements also share the space used by vehicles accessing parking spaces. While sharing often occurs along streets, the configuration of parking proposed for the woonerf does not align with best practices for accommodating bicyclists. The “head-in” nature of parking spaces will result in backing movements that may pose a hazard for bicyclists seeking passage through the woonerf. The developer’s indication of a five mile-per-hour speed limit aids in making the space more equally accessible for pedestrians and bicyclists, but backing maneuvers remain problematic.

With regard to surfacing of the woonerf, the drawings provided by the developer indicate colored concrete in parking bays and the drive aisle, with only limited use of concrete pavers. The best management practices described in the Exhibit D of the agreement indicate the use of “clay paving to provide a tactile difference between areas where pedestrians are a priority.” As the developer has indicated this as a best practice, it seems reasonable that spaces intended to accommodate pedestrians within the woonerf be surfaced with clay pavers.

The agreement provides for signage indicating the woonerf as a “designated public pedestrian and bicycle route.” Optimal locations for such signage would be at each end of the woonerf. While future improvements along the river may provide space for such a sign on the north end of the woonerf, the need for clear and obvious signage near Second Street South is critical to the publicly-accessible nature of the space. Space exists, but the provision of any signs indicating the public nature of the woonerf is, in the agreement, the responsibility of MPRB. It seems logical that providing a sign that reflects the character of other improvements should be the responsibility of the developer. Staff recommends that, as a part of the agreement, furnishing appropriate signage remain the responsibility of the developer in order to maintain the overall integrity of the woonerf design, but that staff be provided an opportunity to coordinate the design of any such signs and eventually approve the design in terms of its location, message content, and form, materials, details, and design character.

Since the woonerf was first presented to the Board in August 2014, the developer has refined the design of the stormwater management system. With the proposed changes, all of the stormwater management can be accommodated within the woonerf and park lands are no longer needed.

## RECOMMENDATION



Staff recommends the Board direct staff and legal counsel to work with the developer to prepare refinements to the plans that clarify passage for pedestrians, identify the easement area as a publicly-accessible zone and specify times available for public parking, and ensure open and continuous passage for pedestrians and bicyclists through the easement area, and establish direction in the agreement that ensure the landscape improvements, surface materials, and streetscape features are perpetuated to maintain the nature of an amenity-rich plaza-street.

Staff further recommends approval of the Parkland Development and Easement Agreement with Eagle Iron Partners, LLC and the City of Minneapolis for application of the “private land maintained for public use” park dedication option to the Mill City Quarter development project in downtown Minneapolis provided that the changes outlined in the Resolution are agreed to by the developer and City of Minneapolis.

This action supports the following vision theme and goals of the MPRB adopted Comprehensive Plan:

Vision Theme 3:       Dynamic parks that shape city character and meet diverse community needs

Goal:   Parks shape an evolving city.

Goal:   Focused land management supports current and future generations.

#### PREVIOUS BOARD ACTIONS

August 6, 2014       Resolution 2014-265   Resolution authorizing staff and legal counsel to negotiate a Parkland Development Agreement and a Separate Stormwater License Agreement with Eagle Iron Partners, LLC and the City of Minneapolis regarding application of the “Private Land Maintained for Public Use” Park Dedication Option to the Mill City Quarter Development Project in downtown Minneapolis

#### ATTACHMENTS:

- Woonerf exhibits (provided by developer) 20150218 (PDF)
- Parkland Development Easement Agrmt (PDF)

Prepared By: Jayne Miller, Superintendent, Superintendent's Office

Review:

Jayne Miller   Completed   02/13/2015 8:19 AM

Minneapolis Park and Recreation Board   Pending       02/18/2015 5:00 PM