

Community Development Committee

For the Metropolitan Council meeting of February 13, 2019

Subject: Above the Falls Regional Park Master Plan Amendment (Graco/Scherer), Minneapolis Park and Recreation Board, Review File No. 50212-1

Proposed Action

That the Metropolitan Council:

1. Approve the release of the restrictive covenant on 0.20 acres of Minneapolis Park and Recreation Board-owned land within Above the Falls Regional Park in exchange for placing a restrictive covenant on 0.20 acre of Minneapolis Park and Recreation Board-owned land adjacent to the regional park as described in Figure 3 and depicted in Figure 4.
2. Approve the minor acquisition master plan boundary amendment to Above the Falls Master Plan that removes 0.20 acre and adds 0.20 acre as depicted in Figure 4.

Summary of Committee Discussion/Questions

Tracey Kinney, Parks Planner, presented the staff report to the Community Development Commission. Committee Member Cunningham asked about the restrictive covenant on the land to be exchanged and also on the replacement parcel. Kinney responded that the restrictive covenant was placed on the land to be exchanged because it was purchased with regional funds. This restrictive covenant provides a higher level of protection to this land. Because land exchanges require an equally valuable exchange with equal level of protection, the proposed replacement land will have a restrictive covenant placed on it.

Committee Member Wulff stated that the Minneapolis Park and Recreation Board and the Graco Company anticipated that the regional park master plan boundary on the Scherer Site would be refined as the Park Board's buyer's plans and the park development concept were advanced.

The Community Development Committee unanimously approved the proposed action at its January 22, 2019 meeting.

Community Development Committee

Meeting date: January 22, 2019

For the Metropolitan Council meeting of February 13, 2019

Subject: Above the Falls Regional Park Master Plan Amendment (Graco/Scherer), Minneapolis Park and Recreation Board, Review File No. 50212-1

Council District: 8 - Cara Letofsky

Policy/Legal Reference: Chapter 6, System Protection, Strategy 2, Conversion of Regional Parks System Lands to Other Uses; Chapter 4, Siting and Acquisition Policy, Regional Parks: General Criteria; *2040 Regional Parks Policy Plan*

Staff Prepared/Presented: Tracey Kinney, Planner (651-602-1029), Regional Parks and Natural Resources

Division/Department: Community Development / Regional Planning

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2. Approve the minor acquisition master plan boundary amendment to Above the Falls Master Plan that removes 0.20 acre and adds 0.20 acre as depicted in Figure 4.

Background

The Minneapolis Park and Recreation Board's Above the Falls Regional Park is centrally located within the Regional Park System in north and northeast Minneapolis (Figure 1). The regional park has 15 acres open to the public with approximately 90 additional acres planned within the original 2001 Council-approved master plan and recent 2012, 2014, and 2015 amendments. The regional park is located on both sides of the Upper Mississippi River between Plymouth Avenue Bridge and Camden Avenue Bridge linking this area to the Grand Rounds parkway system (Figure 2).

The Minneapolis Park and Recreation Board is in the final stages of a multi-year negotiation with the Graco Corporation to purchase part of the Scherer site located north of the Plymouth Avenue Bridge and south of 10th Avenue on the east bank of the Mississippi River (Figure 2). This multi-faceted agreement will secure easements for park and trail use on adjacent Graco lands and allow development of this regional park area to move forward years earlier than expected.

The Minneapolis Park and Recreation Board is currently requesting a land exchange and minor boundary adjustment to undeveloped land within the Scherer site in the Above the Falls Regional Park master plan. The equal land exchange will swap 0.20 acres of Minneapolis Park and Recreation Board-owned land inside the regional park boundary for an equivalent amount of Minneapolis Park and Recreation Board-owned land outside the boundary (Parcel D) (Figure 3), resulting in a minor boundary adjustment (Figure 4). Exchanging the land will allow:

- The master plan to continue to achieve its vision to create a continuous park system of over fifty individual parcels to serve as an amenity that will

extend the intrinsic value of the river into local neighborhoods and the region and provide new destinations for visitors that celebrate Minneapolis as a city on the Mississippi.

- Minneapolis Park and Recreation Board to finalize a purchase agreement that includes the sale of Parcel D to the Graco Company and renaming of the Scherer site as Graco Park.
- Graco Company to combine the right-of-way along 10th Avenue to be vacated with an adjacent property in order to add a building that is part of their campus master plan.

Minneapolis Park and Recreation Board is submitting a new master plan for the Above the Falls Regional Park early in the first quarter of 2019. This master plan will include a full development concept and public engagement process for the Scherer site.

Rationale

The land exchange is consistent with System Protection Strategy 2 as outlined in the *2040 Regional Parks Policy Plan* which requires an equally valuable land or facility exchange to be approved in order to convert Regional Parks System lands to another use. The land proposed to be removed from the regional park was acquired with a grant from the Council. Since Metropolitan Council bonds and Parks and Trails Legacy Funds were used for the acquisition, Minneapolis Park and Recreation Board was required to record a restrictive covenant on the property that limits the use of the property to regional recreation open space purposes and requires Council approval for any sale or conveyance of the property. The land exchange also necessitates a minor amendment to the boundary of the regional park. Approval of the land exchange also needs to include an amendment to the boundary of the regional park to remove the 0.20 acres for the Graco Company and add the adjacent 0.20 acres of replacement land.

Thrive Lens Analysis

The request advances the Thrive outcomes of prosperity and livability through helping facilitate the redevelopment of an underutilized site along the Mississippi River corridor, while ensuring that the regional park is not negatively affected. Additionally, the Thrive principle of collaboration is supported through the Metropolitan Council, Minneapolis Park and Recreation Board, and the Graco Company working together to advance the development of the regional park.

Funding

The Minneapolis Park and Recreation Board owns the parcels; therefore, no funding is needed.

Known Support / Opposition

The Minneapolis Park and Recreation Board and a related parks committee voted in support of the Above the Falls Regional Park Resolution 2018-301 that included the Scherer site land exchange, subsequent regional park boundary adjustment, and naming the site as Graco Park on October 3 and 17, 2018. Public comments were heard at the meetings including support for the park development and partnership with Graco Company. There were a few public comments articulating concern in the proposed name change and perception of the park being open to the public. The Minneapolis Park and Recreation Board has confirmed that the park is open to the public and that the future development supports this.

Summary of Discussion

Tracey Kinney, Planner, presented the staff report to the Metropolitan Parks and Open Space Commission. Adam Arvidson, Director of Strategic Planning for Minneapolis Park and Recreation Board, was also in attendance.

Commissioner Fleming asked about the requirements for public engagement for land conversions. Kinney responded that the Minneapolis Park and Recreation Board conducted two public hearings including a planning commission meeting and park board hearing where the public was invited to

comment. Arvidson responded that a full public engagement process was conducted during the 2011 River First Plan and subsequently during the 2014 and 2015 Above the Falls Regional Park master plan amendments. Commissioner Fleming observed that The Above the Falls Advisory Commission was not engaged and the composition of this commission is not diverse.

Commissioner Theisen requested information on the Graco Foundation's donation to the Minneapolis Park and Recreation Board. Kinney responded that the foundation is donating \$3 million to the park board for the implementation of Scherer site.

Chair Yarusso asked for information on the location of the East Bank Trail easement. Arvidson responded that the easement for the trail is adjacent to the land exchange parcels but does not overlap. The land exchange resolves a multi-year negotiation allowing the Minneapolis Park and Recreation Board to secure long term easements for the trail and park on adjacent sites that the Graco Company owns in exchange for the land needed for the company's campus.

Council policy has been to place restrictive covenants on land acquired with regional funds. Since the replacement land was not purchased with regional funds, Kinney proposed an amendment to the Council action that deleted the requirement to place a restrictive covenant. Commissioner Hietpas expressed concern that this change would not result in an equally valuable exchange.

The Metropolitan Parks and Open Space Commission approved the proposed action that was verbally modified unanimously at its meeting on January 3, 2019.

After the meeting, staff conducted further research and met with General Counsel. Staff found that an equally valuable exchange requires an equal level of protection. Therefore, the original proposed Council action as stated above was correct, as it adds a restrictive covenant to the replacement land.

Metropolitan Parks and Open Space Committee

Meeting date: January 3, 2019

For the Community Development Committee meeting of January 22, 2019

For the Metropolitan Council meeting of February 13, 2019

Subject: Above the Falls Regional Park Master Plan Amendment (Graco/Scherer), Minneapolis Park and Recreation Board, Review File No. 50212-1

District, Member: D - Catherine Fleming

Council District: 8 - Cara Letofsky

Policy/Legal Reference: Chapter 6, System Protection, Strategy 2, Conversion of Regional Parks System Lands to Other Uses; Chapter 4, Siting and Acquisition Policy, Regional Parks: General Criteria; *2040 Regional Parks Policy Plan*

Staff Prepared/Presented: Tracey Kinney, Planner (651-602-1029), Regional Parks and Natural Resources

Division/Department: Community Development / Regional Planning

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Background

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- The master plan to continue to achieve its vision to create a continuous park system of over fifty individual parcels to serve as an amenity that will extend the intrinsic value of the river into local neighborhoods and the region and provide new destinations for visitors that celebrate Minneapolis as a city on the Mississippi.
- Minneapolis Park and Recreation Board to finalize a purchase agreement that includes the sale of Parcel D to the Graco Company and renaming of the Scherer site as Graco Park.
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Rationale

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Thrive Lens Analysis

The request advances the Thrive outcomes of prosperity and livability through helping facilitate the redevelopment of an underutilized site along the Mississippi River corridor, while ensuring that the regional park is not negatively affected. Additionally, the Thrive principle of collaboration is supported through the Metropolitan Council, Minneapolis Park and Recreation Board, and the Graco Company working together to advance the development of the regional park.

Funding

The Minneapolis Park and Recreation Board owns the parcels; therefore, no funding is needed. Additionally, no regional funds were used to purchase the parcels identified for the land exchange.

Known Support / Opposition

The Minneapolis Park and Recreation Board and a related parks committee voted in support of the Above the Falls Regional Park Resolution 2018-301 that included the Scherer site land exchange, subsequent regional park boundary adjustment, and naming the site as Graco Park on October 3 and 17, 2018. Public comments were heard at the meetings including support for the park development and partnership with Graco Company. There were a few public comments articulating concern in the proposed name change and perception of the park being open to the public. The Minneapolis Park and Recreation Board has confirmed that the park is open to the public and that the future development supports this.

Analysis

System Protection Strategy 2, Conversion of Regional Parks System Lands to Other Uses of the *2040 Regional Parks Policy Plan* requires that lands in the Regional Parks System will only be converted to other uses if approved by the Metropolitan Council through an equally valuable land or facility exchange as defined below:

The *2040 Regional Parks Policy Plan* defines “equally valuable land” as land that:

- Is contiguous to the Regional Parks System unit containing the land proposed to be exchanged (within the same park/trail unit)
- Has comparable or better natural resource characteristics, and
- Could provide comparable or better recreation opportunities than the land being released from the covenant

The Council considers conversion of regional park land to other uses only if the conversion will not harm the Regional Parks System. The following 10 criteria determine whether regional parks system lands may be exchanged for other land or a facility.

Issues with respect to the existing park system unit:

1. Whether the park system unit can continue to meet Council standards for sites and site attributes established for the particular type of park system unit (regional park, park reserve, trail greenway or special recreation feature)

The Above the Falls Regional Park is designated as a regional park. The 2040 Regional Parks Policy Plan requires that regional parks:

- Consist of natural or human built opportunities for nature-oriented outdoor recreation such as picnicking, boating, fishing, swimming, camping and trail uses
- Serve a regional audience (e.g., 3 - 5 communities)
- Range in size from approximately 200 - 500 acres (100 acres minimum)
- Have site attributes that are natural settings contiguous to water bodies or watercourses where possible

The proposed land exchange will not impact the ability of the Above the Falls Regional Park to protect the shoreline of the Mississippi River, safely provide public access, and serve a regional audience. The land being removed from the regional park is undeveloped, mowed turf, which is being replaced with land of similar land cover. The replacement land widens the regional park providing additional buffer to the Mississippi River’s shoreline, adequate width for the East Bank Trail that internally connects the regional park, and will be developed as part of master plan’s vision for the site.

2. Whether the park system unit will continue to function as originally planned

The primary purpose of the Above the Falls Regional Park is to provide continuous Mississippi Riverfront access to north and northeast Minneapolis. The project proposes to exchange undeveloped parkland within the park boundary for undeveloped land outside of the park boundary. The land exchange does not remove any Mississippi shoreline from the regional park and ensures the permanence of the East Bank Trail through an easement agreement with the future land owner, Graco Company.

3. Whether environmental features (wildlife habitat, water quality) will be adversely affected and can be protected with the new use

No environmental features of significance exist on either land areas to be exchanged. The exchange will not negatively impact the environmental restoration potential of the eventual development of this portion of the regional park. Additionally, the adjacent Mississippi River corridor is the primary environmental feature in the area and it will not be affected by this exchange. Approval of the land exchange will allow the Minneapolis Park and Recreation Board to facilitate a purchase agreement with Graco Company including the acceleration of park development and natural resources restoration.

4. Whether the loss of site or function will be made up through acquisition of a site with comparable characteristics adjacent to or in the immediate area of the current location

The land to be added to the Above the Falls Regional Park is immediately adjacent to, of equivalent size, and has the same land cover characteristics as the land to be removed.

5. Whether the park system unit benefits from a facility in exchange for the parkland

Land exchange is equally valuable land; therefore, there is no facility involved in this exchange.

6. Whether the need for the conversion, as in the instance of transportation improvements, is generated by the recreational park system unit

The need for the conversion is generated by space restraints related to the Graco Company's desired campus master plan. The conversion is not generated from the Above the Falls Regional Park. The land exchange will refine the land areas and shapes of the Parcel D development site. At the time of original purchase, the Minneapolis Park and Recreation Board used its best estimation of the desired shape of Parcel D and the regional park boundary, which splits Parcel D from the regional park boundary. Now that an agreement for development of Parcel D has been reached, more detailed design has determined that the shape needs to be slightly different.

Issues with respect to the alternative use:

1. The land area needs of the proposed project

With approval of the land exchange and boundary adjustment, Minneapolis Park and Recreation Board will sell Parcel D to Graco. Graco intends to add a building that will house offices and a training center to Parcel D for its company campus. To implement the campus plan, 10th Avenue NE right-of-way needs to be vacated. The proposed project requires 0.20-acre of park land to vacate 10th Avenue NE right-of-way that will be replaced for 0.20-acre of adjacent land.

2. Whether the specific site requirements for the proposed project are unique to the area proposed for conversion

The site requirements of the Graco Company campus master plan are unique due to the need for a contiguous parcel on both sides of 10th Avenue NE, which results in building and master plan efficiencies. Vacating 10th Avenue NE requires acquiring the full street right-of-way starting at the mid-point of the cul-de-sac on the western end.

3. Whether the proposed project is consistent with Council policies

Graco's proposed project is consistent with Council policies including *Thrive MSP 2040* outcomes of prosperity and livability through helping facilitate the redevelopment of an underutilized site in an urban center, while ensuring that the future development of the planned regional park and East Bank Trail is not negatively affected. Additionally, the Thrive principle of collaboration is supported through the Metropolitan Council, Minneapolis Park and Recreation Board, and the Graco Company working together to advance the development of regional park.

4. Whether the proposed project is of greater benefit to the region than having the regional parks system unit remain in place

The proposed project benefits the region by helping facilitate development of an underutilized site. With the relocation of park land, the project allows the Above the Fall Regional Park to secure easement access for the East Bank Trail, add width to the park for recreation amenities, and expediate the development of the regional park.

Review by Other Council Divisions

Community Development – Environment and Surface Water Management (Jim Larsen 651-602-1159) – No additional comments.

Community Development – Forecasts (Todd Graham 651-602-1322) – No additional comments.

Community Development – Housing (Hilary Lovelace 651-602-1555) – No additional comments.

Environmental Services – Sewer (Roger Janzig 651-602-1119) – No additional comments.

Metro Transit (Steve Mahowald 612-349-7775) – No additional comments.

Transportation Planning (Russ Owen 651-602-1724) – No additional comments.

Local Planning Assistance – Land Use (Michael Larson 651-602-1407) – No additional comments.

Figure 1: Location of the Above the Falls Regional Park

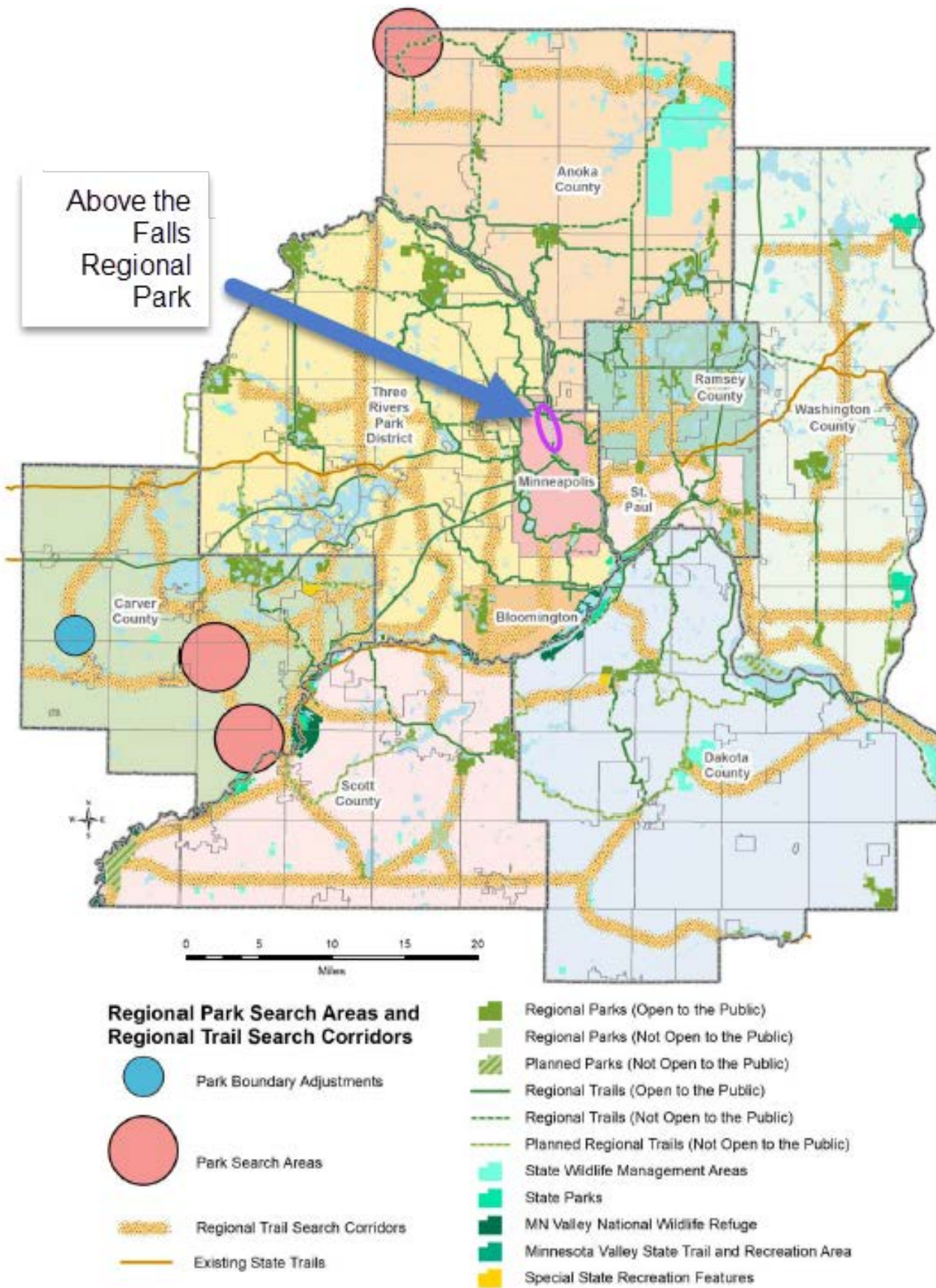


Figure 2: Land Exchange Site Location

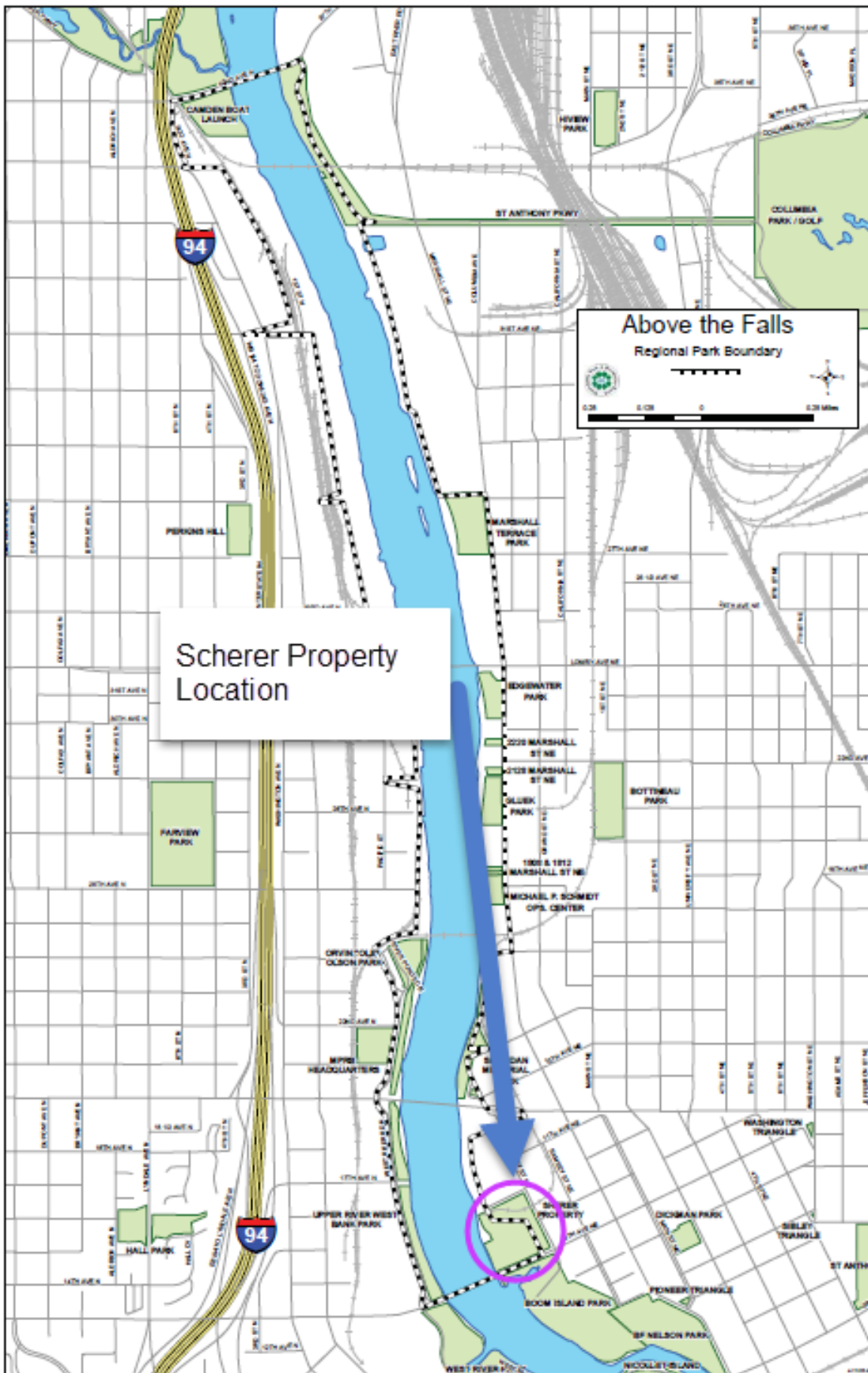


Figure 3: Proposed Parcels to Exchange

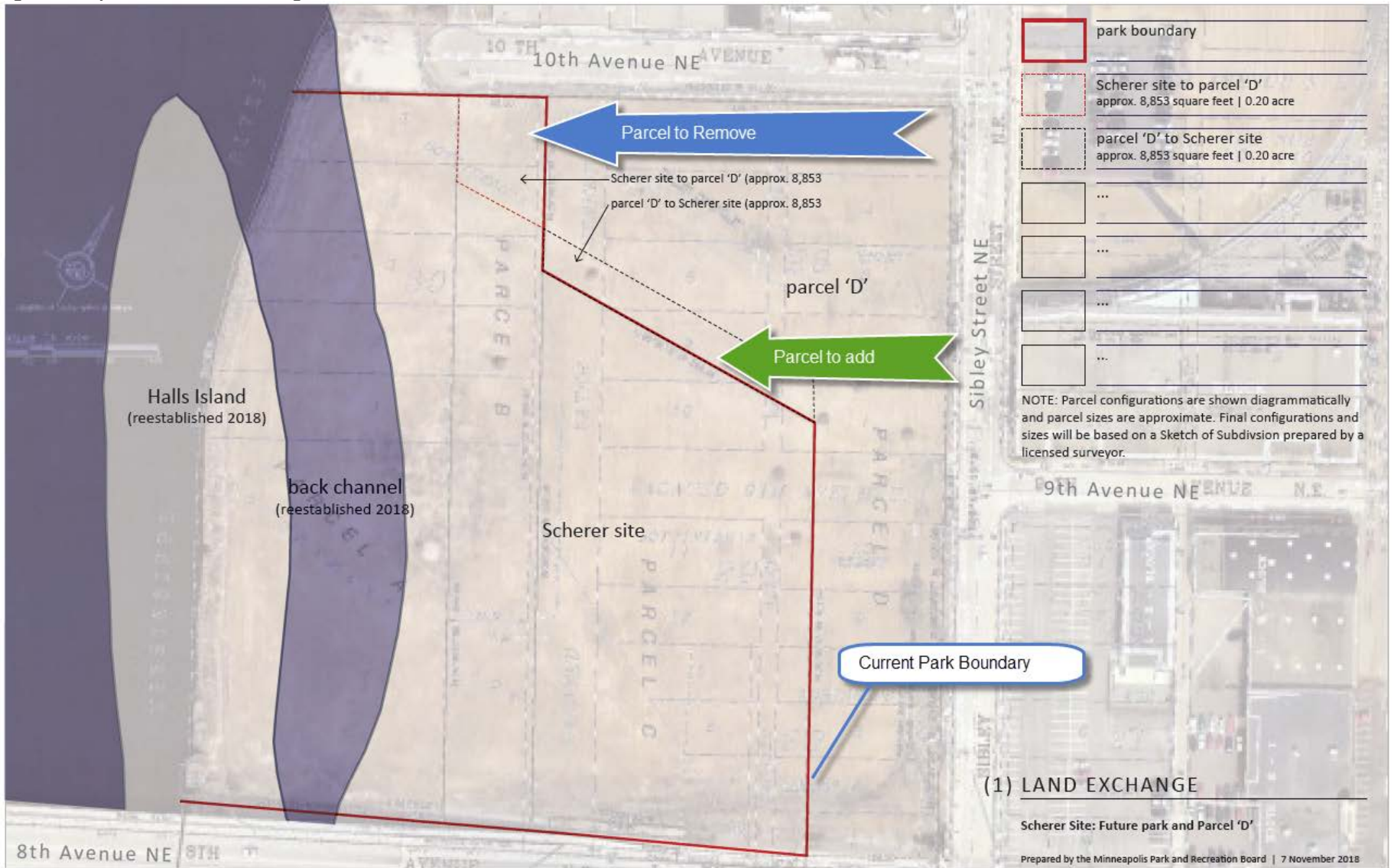


Figure 4: Proposed Park Boundary

