

## SUBDIVISION STAFF REPORT

1. **FILE NAME:** United Village Development **FILE #** 23-063-589
  2. **TYPE OF APPLICATION:** Preliminary Plat **HEARING DATE:** September 20, 2023
  3. **LOCATION:** Snelling-Midway Redevelopment Site (1566 University Avenue W - *temporary address*)
  4. **PIN AND LEGAL DESCRIPTION:** See subdivision documents for existing and proposed legal descriptions. PINs: 34.29.23.32.0001, 34.29.23.32.0005, 34.29.23.32.0006, 34.29.23.32.0009, 34.29.23.32.0014, 34.29.23.32.0015, 34.29.23.32.0016, 34.29.23.32.0019
  5. **PLANNING DISTRICT:** Districts 13 and 11 **PRESENT ZONING:** T4M
  6. **ZONING CODE REFERENCE:** §69.301; §69.406; §69.511
  7. **STAFF REPORT DATE:** September 8, 2023 **BY:** Kady Dadlez
  8. **DATE RECEIVED:** July 14, 2023 **DEADLINE FOR ACTION:** November 11, 2023
- 
- 

- A. **PURPOSE:** Preliminary Plat for United Village Development to create four (4) T4M (Traditional Neighborhood Master Plan) lots and ten (10) T4M outlots.
- B. **PARCEL SIZE:** The area to be platted, north and east of the soccer stadium site, is 14.53 acres in size and comprises several existing parcels. The area has about 480 feet of frontage on Snelling Avenue, about 1,320 feet of frontage on University Avenue, and about 835 feet of frontage on Pascal Street.
- C. **EXISTING LAND USE:** The area to be platted includes vacant parcels formerly occupied by a bank and shopping center, parcels occupied by buildings, including a McDonald's restaurant and a small commercial building, and parcels occupied by existing surface parking. The site is bordered by two major arterials, Snelling Avenue on the west and University Avenue on the north. The southern boundary is Shields Avenue, up to Simpson Street, and then Central Avenue from Simpson Street to Pascal Street. The eastern boundary is Pascal Street.
- D. **SURROUNDING LAND USE:**
  - North:** A variety of commercial uses along the north side of University Avenue in T2 and T4 districts.
  - East:** Big box retail uses in a T4 district.
  - South:** Soccer stadium and associated temporary and permanent surface parking in a T4M district.
  - West:** Commercial and mixed residential and commercial uses in T3 and T4 districts along Snelling and University Avenues and vacant land in an RM2 district along Snelling Avenue and residential uses along Roy Street.
- E. **ZONING CODE CITATION:** §69.301 states that platting is required when a subdivision (1) creates five or more lots or parcels each of which is 2½ acres or less in size, or (2) requires paved streets, alleys and other public improvements, or (3) is previously unplatted land. §69.406 provides criteria for review of subdivision applications. These criteria are covered below under "Required Findings." §69.511 regulates parkland dedication.
- F. **HISTORY/DISCUSSION:** Most of the land in the current preliminary plat application was included in a final plat approved in 2017 to facilitate the soccer stadium development (RES 17-1580 – MLS Soccer Redevelopment Plat). Public right-of-way was dedicated on the final plat to allow construction of public streets around the stadium development. The green space north of the stadium is a privately owned public space (POPS) that is subject to a parkland agreement with the city, in lieu of dedication of parkland on the 2017 final plat. The current preliminary plat application encompasses land north and east of the stadium that was previously occupied by Midway Shopping Center. The shopping center building and a retail building were damaged during civil unrest in Spring 2020 and were subsequently demolished. A McDonald's restaurant and commercial building remain.

The final plat approved in 2017 did not dedicate the right-of-way needed for new public streets north and east of the stadium to complete the street grid and create development blocks consistent with the Snelling Midway Redevelopment Master Plan, nor did the 2017 final plat dedicate parkland for the land area north and east of the stadium.

- G. **DISTRICT COUNCIL RECOMMENDATION:** Neither the Union Park District Council nor the Hamline Midway Coalition commented on the preliminary plat application.
- H. **REQUIRED FINDINGS:** §69.406 of the Zoning Code requires that all the following findings shall be made prior to approval of a subdivision:

1. *All the applicable provisions of the Legislative Code are complied with.* City staff has reviewed the proposed plat and has determined that all applicable provisions of city codes can be met, provided the following four items are satisfactorily addressed.

**Right-of-way versus Outlots on Spruce Tree Avenue and Shields Avenue**

Consistent with the Snelling-Midway Redevelopment Site Master Plan and Design Guidelines, approved in City Council Resolution RES PH 16-239, Outlot D and Outlot F on the preliminary plat (Outlot D as the future 70-foot wide street segment of Spruce Tree Avenue from Simpson Street to Pascal Street and Outlot F as the future 80-foot wide street segment of Shields Avenue from Simpson Street to Pascal Street) must be depicted as right-of-way on the preliminary plat and depicted and dedicated as right-of-way on the final plat. If the applicant is not prepared at this time to plat as right-of-way and dedicate to the city the segment of Spruce Tree Avenue from Simpson Street to Pascal Street (Outlot D), nor the segment of Shields Avenue from Simpson Street to Pascal Street (Outlot F), the applicant must first obtain a major modification of the master plan for the removal of two public street segments. If the property is platted and dedicated as right of way now and it is determined at a later date that the dedicated right-of-way is not needed or needs to change to accommodate development, an application to vacate the right-of-way can be made. A master plan modification may be needed prior to applying for a street vacation request.

**Pascal Street Right-of-way**

Sufficient right-of-way on Pascal Street between St. Anthony and University Avenues, consistent with the city's approved street design manual, per City Council Resolution RES PH 16-252 approving the preliminary plat for the Snelling-Midway Redevelopment site, was supposed to be dedicated on the final plat in 2017. However, not all of the right-of-way along Pascal Street was on the final plat. Only right-of-way between St. Anthony and Central Avenues was dedicated on the final plat in 2017. Right-of-way along Pascal Street, between Central Avenue and University Avenue, needs to be shown on the preliminary plat and dedicated on the final plat to correct this oversight.

**50 feet versus 70 feet of right of way on Spruce Tree Avenue between Asbury & Simpson**

Consistent with the 70-foot wide right-of-way for Spruce Tree Avenue shown in the Snelling-Midway Redevelopment Site Master Plan and Design Guidelines, approved in City Council Resolution RES PH 16-239, the city would prefer to have an additional 20 feet of right-of-way for the segment of Spruce Tree Avenue from Asbury Street to Simpson Street (10 feet of right-of-way on the south side of Lot 1 Block 2 of the United Village Development plat, 10 feet of right-of-way on the north side of Lot 1 Block 3 of the United Village Development plat, and 10 feet of right-of-way on the north side of Outlot C of the MLS Soccer Redevelopment plat), shown on the preliminary plat and dedicated as right-of-way on the final plat. The 50-foot wide Spruce Tree Avenue right-of-way street segment between Asbury Street and Simpson Street dedicated on the final plat in 2017 was a temporary solution to finish off the edges of the temporary parking on the north side of the street segment between Asbury and Simpson Streets at the time of stadium construction. The Snelling-Midway Redevelopment Site Master Plan and Design Guidelines approved in 2016 call for Spruce Tree Avenue to be a 70-foot wide right-of-way from Snelling Avenue to Pascal Street. The additional right-of-way is needed to provide sufficient area for transportation and utility needs. However, if the applicant does not want to show and dedicate the additional right-of-way on the final plat, there should be a condition attached to the resolution approving the preliminary plat and the final plat that requires the applicant grant to the city easements, the details of which are to be determined by

the Department of Public Works, to ensure sufficient area is provided for transportation and utility needs. It is anticipated that easements will be needed north of the proposed north right-of-way line for Spruce Tree Avenue, south of the proposed south right-of-way line for Spruce Tree Avenue, and at the quadrants of the Asbury Street/Spruce Tree Avenue and Simpson Street/Spruce Tree Avenue intersections.

### **McDonald's in the right-of-way**

The City prefers to have the McDonald's building, which is located in the future segment of Asbury Street right-of-way between Spruce Tree Avenue and University Avenue, removed prior to approval of the final plat. However, the applicant states it needs final plat approval before the McDonald's building will likely be able to be removed; the lease terminates in December 2024. Therefore, if removal of the building prior to final plat approval is not possible and the City allows the street right-of-way to be platted and dedicated while the building is still standing, a condition will need to be attached to the city council resolution approving the preliminary plat stating that the applicant must obtain an encroachment permit from the Department of Public Works prior to submittal of the final plat and that the applicant must comply with all conditions attached to the encroachment permit. The conditions attached to the encroachment permit will be determined by the City's Risk Manager and include, at a minimum, removal of the building, appurtenances, and surrounding improvements by a date certain; defend and indemnify the City from all liabilities as long as the building, appurtenances, and improvements remain in place, and determine how the existing use will be allowed to continue until the date certain under any applicable laws, rules, or regulations.

2. *The proposed subdivision will not be detrimental to the present and potential surrounding land uses.* The proposed plat is consistent with the surrounding land uses, which are commercial and residential in nature, and will not be detrimental to present and future use of surrounding land.
3. *The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.* The area surrounding the proposed plat is fully developed and compatible with the proposed plat.
4. *The subdivision is in conformance with the comprehensive plan.* The subdivision is in conformance with the Saint Paul Comprehensive Plan. Plans consulted to make this finding include the Snelling Station Area Plan, part of the comprehensive plan, and the Land Use, Transportation, and Parks and Recreation chapters of the Saint Paul Comprehensive Plan.

### **Snelling Station Area Plan (SSAP)**

- The site is identified as an area of change in the SSAP, an area where change is welcome and should be encouraged whether through gradual infill and/or intensification or comprehensive redevelopment, page 13.
- The site is located in the mobility enhancement area in the SSAP, an area where a higher level of pedestrian activity is anticipated and a high quality pedestrian environment is key. A minimum of 14 foot wide sidewalks should be established in the mobility enhancement area, page 19.
- The vision of the SSAP calls for a vibrant commercial center, both a city-wide destination and local needs hub, that successfully hosts and connects a multitude of uses. These could include corporate headquarters, retail stores, community services, local businesses, residential development, and cultural and entertainment destinations – all structured within a pattern of streets, blocks, and green gathering spaces that promote safer, more active streets and balanced options for movement and increased economic vitality, page 14.
- The SSAP calls for a string of gathering places connected by an improved hierarchy of public streets and development blocks that could improve the accessibility and connectivity of these spaces to surrounding neighborhoods, page 19.

- The SSAP adds that a green open space might support development of a significant new employment center, research park, institutional campus, urban format retail center, hotel, or entertainment uses on this site, page 19.

**Citywide Comprehensive Plan Chapters** – The Land Use chapter of the Comprehensive Plan identifies the redevelopment site as a mixed-use area along transit corridors in the Snelling Station Area Neighborhood Node and supports redevelopment of Opportunity Sites (Policy LU-2). The Transportation chapter calls for reestablishing the right-of-way grid as redevelopment occurs on large sites to increase neighborhood connectivity and accommodate pedestrian oriented, higher-density development (Policy T-31). The Parks and Recreation chapter calls for ensuring equitable access to parks and recreation programs, resources and amenities and involving staff from the Department of Parks and Recreation from the beginning of discussions regarding large-scale land redevelopment sites (Policies PR-1 and PR-42).

5. *The subdivision preserves and incorporates the site's important existing natural features whenever possible.* The site is in a fully-developed part of St. Paul with no remaining natural features.
  6. *All land intended for building sites can be used safely without endangering residents by peril from floods, erosion, continuously high water table, severe soil conditions or other menace.* The site is a flat, fully developed area with no flooding, erosion, or high water table.
  7. *The subdivision can be economically served with public facilities and services.* The subdivision can be economically served with public facilities and services from surrounding streets provided: 1) all Public Works Sewer Division review comments for all future developments within the plat area are satisfactorily remedied by the developer during the site plan review process; 2) the developer incorporates the results and recommendations of the Snelling-Midway Superblock Sanitary Sewer Analysis study, a sanitary sewer capacity analysis being completed for the City by consultant SEH, into the currently proposed development phase as well as all future phases and future private developments to be built on the site; and 3) Pursuant to City Council Resolution RES 19-1246 establishing the Snelling-Midway Infrastructure Stormwater Management District, and establishing connection and ongoing operation and maintenance charges for property and uses to be served by the district's stormwater infrastructure, development parcels connect to the District's Green Infrastructure Stormwater Management System and, pursuant to Leg. Code 81.08.2(a), pay concurrently with the issuance of a building permit a one-time connection charge. Parcels within the District must also pay an additional annual operation and maintenance surcharge per Leg. Code 81.08.02(b).
- I. **PARKLAND DEDICATION:** § 69.511(a) *Parkland dedication requirement* provides that for platting of land for residential, commercial, or industrial development the City may require dedication of a reasonable portion of the buildable land for public use for parks and open space needed as a result of the plat, to a maximum of 9% of the total acreage of new lots for new residential or mixed-use development and to a maximum of 4% of the total acreage of new lots for new commercial or industrial development. § 69.511(b) *One-time basis of parkland dedication requirements* provides that, "once parkland has been dedicated or conveyed to the City under this section to meet the needs for parkland created by the plat, there shall be no further parkland dedication requirement under § 63.701 at the time of building permits."

The land area of the plat is 14.53 acres. Minus 2.78 acres for future right-of-way for public streets to complete the street grid (Asbury, Simpson, Spruce Tree, Shields, and Snelling), the net land area of the plat is 11.75 acres. The City Council can require up to 9% of this area for parkland, which is 1.06 acres. The preliminary plat shows 1.25 acres of land area for parks, slightly more than the amount required for dedication. The parkland dedication requirement for the plat will be met by the perpetual use of Outlots A and H, as privately owned public spaces (POPS), subject to a forthcoming POPS agreement and covenant running with the two outlots in accordance with § 69.511(c) of the subdivision ordinance. The Parks and Recreation Commission has reviewed

this proposal and adopted a resolution recommending this method of parkland dedication. The POPS agreement and covenant must be approved by the City Council prior to approval of the final plat. A sculpture and plaza are planned for the 0.91-acre site on Outlot A at Snelling & University and a playground is planned for the 0.34-acre site on Outlot H at the northeast corner of Simpson & Central.

Note that the amount of land area calculated for parkland dedication purposes for the United Village Development plat includes the street segments of Spruce Tree and Shields avenues east of Simpson Street, though these street segments are not shown as right-of-way on the preliminary plat (they are shown as outlots). As noted in finding 1 above, these street segments should be shown as right-of-way on the preliminary plat and dedicated as right-of-way on the final plat. Regardless of when these two street segments are dedicated as right-of-way on a final plat, the parkland dedication calculation for the current plat includes them, so no future parkland dedication will be required.

- J. **STAFF RECOMMENDATION:** Based on required findings 1 through 7, staff recommends approval of the United Village Development preliminary plat to create four (4) T4M (Traditional Neighborhood Master Plan) lots and eight (8) T4M outlots for Snelling-Midway Redevelopment, LLC (1566 University Avenue West - *temporary address*), subject to the following conditions:
1. Final plat must correct misspellings on the adjoining plat to the south, in two places. The word REDEVELPOMENT must be changed to REDEVELOPMENT.
  2. The narrative accompanying the final plat submittal must include the following statement: All Public Works Sewer Division (“Sewers” or “Division”) review comments for all future developments within the plat area must be satisfactorily remedied by the developer during the site plan review process.
  3. The narrative accompanying the final plat submittal must include the following statement: The developer must incorporate the results and recommendations of the Snelling-Midway Superblock Sanitary Sewer Analysis study, a sanitary sewer capacity analysis being completed for the City by consultant SEH, into the currently proposed development phase as well as all future phases and future private developments to be built on the site.
  4. Pursuant to City Council Resolution RES 19-1246 establishing the Snelling-Midway Infrastructure Stormwater Management District, and establishing connection and ongoing operation and maintenance charges for property and uses to be served by the district’s stormwater infrastructure, development parcels must connect to the District’s Green Infrastructure Stormwater Management System and must, pursuant to Leg. Code 81.08.2(a), pay concurrently with the issuance of a building permit a one-time connection charge. Parcels within the District must also pay an additional annual operation and maintenance surcharge per Leg. Code 81.08.02(b).
  5. Outlot D and Outlot F on the draft preliminary plat (Outlot D as the future 70-foot wide street segment of Spruce Tree Avenue from Simpson Street to Pascal Street and Outlot F as the 80-foot wide future street segment of Shields Avenue from Simpson Street to Pascal Street) must be depicted as right-of-way on the preliminary plat and depicted and dedicated as right-of-way on the final plat. If the applicant wants to show the future street segment of Spruce Tree Avenue from Simpson Street to Pascal Street as Outlot D on the final plat and the future street segment of Shields Avenue from Simpson Street to Pascal Street as Outlot F on the final plat, the applicant must obtain, prior to final plat approval, major modifications of the master plan for the removal of two public street segments.
  6. The applicant shall grant to the City easements, the details of which are to be determined by the Department of Public Works, to ensure sufficient area is provided for transportation and utility needs. It is anticipated that easements will be needed north of the proposed north right-of-way line for Spruce Tree Avenue, south of the proposed south right-of-way line for Spruce Tree Avenue, and at the quadrants of the Asbury Street/Spruce Tree Avenue and Simpson Street/Spruce Tree Avenue intersections. The easements shall be filed with the

office of the county recorder of Ramsey County after the final plat is recorded, but no later than December 31, 2023.

7. The applicant must obtain an encroachment permit from the Department of Public Works prior to submittal of the final plat for approval and the applicant must comply with all conditions attached to the encroachment permit. The conditions attached to the encroachment permit will be determined by the City's Risk Manager and include, at a minimum, removal of the building, appurtenances, and surrounding improvements by a date certain; defend and indemnify the City from all liabilities as long as the building, appurtenances, and improvements remain in place; and determine how the existing use will be allowed to continue until the date certain under any applicable laws, rules, or regulations.
8. Final plat must include sufficient right-of-way, easements, or lease area to provide public curb, boulevard, sidewalk, bike facilities, traffic and turn lanes, and possibly parking and bus accommodations on Pascal Street between Central and University Avenues that are in line with the City's approved street design manual.
9. Final plat must provide sufficient right-of-way, easements, or lease area to provide ADA compliant public sidewalks and pedestrian crossings, street trees, streetlights, bike lanes and other potential improvements in the public roadway right-of-way within the plat area.
10. Final plat must provide sufficient right-of-way for ADA compliant pedestrian access routes and landing zones at intersections as well as truck turning movements for the design vehicle and for turning movements for emergency vehicle access.
11. Prior to approval of the final plat, a privately owned public space (POPS) agreement and covenant running with Outlot A (0.91 acres) and Outlot H (0.34 acres), in accordance with Sec. 69.511(c), shall be approved by the Saint Paul City Council.
12. Pursuant to Sec. 69.403. – Final Plat of the zoning code, the applicant shall file an application for the final plat within one year following the date of approval of the preliminary plat by the City Council. Said application shall contain all modifications as they may have been recommended during preliminary plat review as well as the following:
  - a. Survey, content of plats, and boundary data in the manner prescribed by Section 505.02, Minnesota Statutes, as amended from time to time.
  - b. Certification of dedication by the land owners and surveyor's certification as required in Section 505.03, Minnesota Statutes, as amended from time to time.

Attachments:

Application and Exhibits A and B

Preliminary Plat Drawing

Preliminary Plat Phase 1 Development Narrative

Site Location Maps