

INTERIM USE PERMIT STAFF REPORT

1. **FILE NAME:** Snelling-Midway Redevelopment, LLC Interim Use Permit **FILE #23-097-694**
 2. **APPLICANT:** Snelling-Midway Redevelopment, LLC **HEARING DATE:** December 20, 2023
 3. **TYPE OF APPLICATION:** Interim Use Permit
 4. **LOCATION:** 1566 University Avenue (*temp address property is east of Simpson btw University-Central*)
 5. **PIN & LEGAL DESCRIPTION:** Lot 2 Block 2, MLS Soccer Redevelopment, PIN 34.29.23.32.0015
 6. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** T4M
 7. **STATE STATUTE REFERENCE:** Minnesota State Statute § 462.3597
 8. **STAFF REPORT DATE:** December 4, 2023 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** November 15, 2023 **60-DAY DEADLINE FOR ACTION:** January 14, 2023
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- A. **PURPOSE:** Interim use permit for temporary surface parking. Proposed parking to be used primarily as accessory parking for the soccer stadium.
- B. **PARCEL SIZE:** The portion of the parcel upon which the temporary surface parking lot is proposed to be located is approximately 56,400 square feet in area, or 1.3 acres, and has about 300 feet of frontage on existing and future Simpson Street.
- C. **EXISTING LAND USE:** The proposed parking lot is already paved with asphalt and striped for parking as the lot previously served the Midway Shopping Center building to the south and east before it was demolished.
- D. **SURROUNDING LAND USE:**
 - North:** A single story commercial building and associated surface parking in a T4M district (traditional neighborhood master plan).
 - East:** Vacant land along Pascal Street in a T4M district and big box retail in a T4 district.
 - South:** Vacant land and soccer stadium in a T4M district.
 - West:** Open space and surface parking in a T4M district.
- E. **STATE STATUTE CITATION:** Minnesota State Statute § 462.3597 provides for interim uses and includes required findings for establishing an interim use.
- F. **HISTORY/DISCUSSION:** The property was previously used to provide surface parking for Midway Shopping Center, which was demolished in 2021. The Shopping Center's surface parking was allowed to remain temporarily as accessory parking to the soccer stadium and a remaining small commercial building to the north per a statement of clarification issued by the Saint Paul Zoning Administrator on August 13, 2021, provided conditions included in the statement were met. The statement of clarification noted that the existing parking lot would function as a new off-street parking facility for Allianz Field and therefore required an approved site plan under Zoning Code § 63.202.

In addition to the site plan requirement, the following conditions were imposed in the August 13, 2021 statement of clarification:

1. No new parking spaces shall be added or created on any of the subject lots.
2. The new accessory surface parking areas may remain as temporary parking for no more than 5 years after the buildings are demolished.
3. A form of security agreement, acceptable to the Zoning Administrator, in an amount equal to the estimated cost of removing the subject surface parking areas after the 5-year time limit expires shall be filed with the Zoning Administrator not later than the date an approved site plan for the lots is issued.
4. The shopping center signs along University Avenue between the Big Top and Jimmy John's buildings and the sign at the southeast corner of University and Snelling

Avenue no longer serve the previous principal use and, pursuant to Zoning Code Sec. 64.205, shall be removed before the site plan required above can be approved.

Regarding the statement of clarification's requirement for an approved site plan, no site plan has been submitted or approved to date.

Regarding the statement of clarification's condition #1 related to no new parking spaces to be added or created, the graphic accompanying the current interim use permit application shows 180 parking spaces, 50 spaces more than the existing parking lot, which has about 130 spaces. It appears from the current interim use permit application that the drive aisles that provided access to the former shopping center building are to be converted to surface parking, which results in the 50 additional spaces. However, it also appears that no additional impervious surface is proposed in order to create these additional spaces.

Regarding the statement of clarification's condition #2 related to a 5-year time limit on use of the existing parking lot, the shopping center building was demolished in 2021. Therefore, per the statement of clarification, this existing parking facility can only remain for about 3 more years and would continue to be subject to all the conditions in the statement of clarification.

Regarding the statement of clarification's condition #3 related to a form of security, no security agreement has ever been submitted.

Regarding the statement of clarification's condition #4 related to signs, the signs have been removed.

G. **DISTRICT COUNCIL RECOMMENDATION:** The Union Park District Council did not take a position on the interim use permit application.

H. **FINDINGS:**

1. The applicant leases the property on which the proposed interim use surface parking lot is located. Paved parking spaces already exist on the property; the parking was originally established as accessory to the shopping center building to the south and east, which was demolished in 2021. However, these surface parking spaces were allowed to remain per a statement of clarification from the Saint Paul Zoning Administrator dated August 13, 2021. The proposed interim parking lot would become accessory to Allianz Field as it is the only existing principal use proximate to the parking lot.
2. The existing parking lot has about 130 spaces; the graphic submitted with the interim use permit application shows 180 spaces. The 50 additional spaces are accommodated without an increase in impervious surface by converting existing drive aisles to parking spaces as these drive aisles are no longer needed for access to the now demolished shopping center. Zoning Code § 63.304(b) provides, in relevant part, that the location of off-street parking for non-residential uses shall be: "(b) In...the same zoning district as the principal use...[and] this parking shall be located within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot."
3. The intent of the Snelling-Midway Redevelopment Site Master Plan (master plan) is for most off-street parking on the entire redevelopment site to be provided in structured parking facilities above or below ground. The proposed temporary surface parking is not

part of the adopted master plan, therefore, an interim use permit is needed to allow the proposed temporary surface parking.

Recently, the resolution approving the master plan, RES PH 16-239, was amended by the City Council in RES 23-1442 to allow additional surface parking provided it is accessory to a development on a development block. The 2016 master plan also contemplated the need for temporary surface parking west of Allianz Field and included guidance on the length of time temporary parking lots should be allowed to exist and the level of improvements allowed, so as not to constitute a justification for long term use. This information is helpful in guiding decision making on any additional interim use permits for surface parking with regard to length of time and extent of improvements. The Snelling Station Area Plan notes that a transformation from surface parking to structured and underground parking will need to happen over time and in conjunction with new development. The Snelling Station Area Plan includes policies to guide this transformation while the zoning code generally regulates parking in § 63.200 and § 63.300 and particularly regulates parking for Traditional Neighborhood districts in § 66.342 and § 66.343(b)(18). Surface parking is subject to these regulations and requires site plan review and approval.

4. The period of time for which the interim use permit is requested by the applicant is five years from date of approval.
5. Minnesota State Statute § 462.3597 specifies the required findings for establishing an interim use which is defined as “a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.” Minnesota Statute § 462.3597, Subd. 2, Authority, allows for conditions to be set on interim uses. The governing body may grant permission for an interim use of property if:
 - a. **The use conforms to the zoning regulations.** This requirement can be met. The development site is zoned T4M, traditional neighborhood master plan. However, although parking is a permitted use in the T4M zoning district, the master plan calls for buildings and street right of way where the temporary surface parking lot is proposed. Nevertheless, because the proposed parking lot is temporary in nature the proposed use can be regulated through conditions to allow the interim use to be in harmony with the master plan. In addition, because the existing surface parking lot constitutes a new parking facility for the soccer stadium and, the Zoning Administrator has previously determined that an approved site plan is required under Zoning Code § 63.202; a site plan meeting Zoning Code § 61.402 and § 63.302(a-e) must be submitted and approved.
 - b. **The date or event that will terminate the use can be identified with certainty.** This requirement is met. The application states termination of the temporary surface parking use is to occur five years after approval of the permit.
 - c. **Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.** This requirement is met. At the time of the writing of this staff report, the proposed use is located on private property. However, public use of a portion of the property has always been planned under the adopted master plan. Consistent with the master plan, a preliminary plat, approved by the City Council in RES PH 23-227, requires that a portion of the proposed interim use parking lot property be dedicated as right-of-way for a future segment of Spruce Tree Avenue from Simpson Street to Pascal Street. The City understands the applicant does not anticipate improving this street segment

for several years after it is dedicated as right-of-way on the final plat. Provided use of unutilized or unimproved rights-of-way are duly permitted by the Department of Public Works, pursuant to zoning and permitting regulations then in effect and further provided that a temporary parking facility will not result in any obstruction, delay, or other impediment to the improvement of dedicated right-of-way in the future for its intended purposes, an interim surface parking lot would be a reasonable accessory use with the understanding that any improvements to the interim use surface parking lot may be made, but shall not constitute a justification for its long term use for parking.

- d. ***The user agrees to any conditions that the governing body deems appropriate for permission of the use.*** This requirement can be met provided the applicant agrees to the conditions the City Council deems appropriate.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the interim use permit for temporary surface parking at 1566 University Avenue West (temporary address – subject property is a portion of the property east of Simpson Street between University and Central Avenues), subject to the following conditions:

1. The interim use permit shall terminate five (5) years from the date the interim use permit is approved by the City Council.
2. The temporary surface parking lot permitted by the interim use permit shall be accessory to the soccer stadium.
3. New parking spaces may be created provided there is no increase in the amount of existing impervious surface. The total number of spaces permitted will be determined during the site plan review process but shall not exceed 180 spaces.
4. A site plan shall be submitted for review no later than 3 months from the date the interim use permit is approved. The interim use permit allows the temporary surface parking use. The permit does not grant any variances that may be needed to establish the use.
5. If the temporary surface parking lot is not replaced by permanent development that is consistent with the master plan, or unless an interim use permit extension application is made and granted by the City, by the time the interim use permit expires the parking lot improvements shall be removed under a demolition permit and the site stabilized and restored with turf grass by the applicant, or the applicant's successors and assigns, at the applicant's, or the applicant's successors and assigns expense, as the case may be.
6. The property shall be maintained at all times in accordance with Leg. Code § 34.32 until such time as the property is developed in accordance with the master plan. The applicant shall maintain any stormwater BMPs, including rain gardens, in working order including routinely providing litter and debris removal and weed control.
7. The surface parking area should be made reasonably available for community events when demand for the parking spaces is low. A conditional use permit may be required to establish certain outdoor uses.
8. The applicant shall assign a contact person responsible for managing cleanliness of the parking lot. The name and contact information of this person, and their successors, shall be provided to the Union Park District Council and the Hamline-Midway Coalition.