

INTERIM USE PERMIT STAFF REPORT

1. **FILE NAME:** Snelling-Midway Redevelopment Interim Use Permit **FILE #**23-066-097
 2. **APPLICANT:** Snelling-Midway Redevelopment, LLC **HEARING DATE:** September 20, 2023
 3. **TYPE OF APPLICATION:** Interim Use Permit
 4. **LOCATION:** 1566 University Avenue (*temporary address - property at NE corner of Snelling & Shields*)
 5. **PIN & LEGAL DESCRIPTION:** Lot 1 Block 2, MLS Soccer Redevelopment, PIN 34.29.23.32.0014
 6. **PLANNING DISTRICT:** 13 and 11 **PRESENT ZONING:** T4M
 7. **STATE STATUTE REFERENCE:** Minnesota State Statute § 462.3597
 8. **STAFF REPORT DATE:** September 7, 2023 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** July 24, 2023 **60-DAY DEADLINE FOR ACTION:** November 21, 2023
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- A. **PURPOSE:** Interim use permit for temporary surface parking lot.
- B. **PARCEL SIZE:** The portion of the parcel upon which the temporary surface parking lot is proposed to be established is approximately 44,000 square feet in area and has about 200 feet of frontage on Snelling Avenue. A preliminary plat application has been submitted that includes the property on which the parking is proposed; the plat creates a separate parcel where the temporary parking lot is proposed to be established.
- C. **EXISTING LAND USE:** The property is vacant; it is paved with asphalt and fenced.
- D. **SURROUNDING LAND USE:**
 - North:** Vacant land in a T4M (traditional neighborhood master plan) district and commercial uses along the north side of University Avenue in a T4 district.
 - East:** Vacant land and open green space in a T4M district.
 - South:** Temporary surface parking and soccer stadium in a T4M district.
 - West:** Mixed-use development in T3 and T4 districts.
- 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 as off-street parking for Midway Shopping Center. The shopping center buildings were demolished in 2016-2017 to make way for the soccer stadium and new public streets. An interim use permit for the temporary surface parking lots south of Shields Avenue was approved by the City Council in 2018, RES PH 18-176, Zoning File # 18-088-762. That permit expires on November 15, 2023; an application to extend the permit for an additional five years, to 2028, was recently submitted to the City, Zoning File # 23-064-122. The City Council is scheduled to hold a public hearing on September 13, 2023 consider the request to extend the existing interim use permit, RES PH 23-229.
- G. **DISTRICT COUNCIL RECOMMENDATION:** In its August 2023 letter addressing the interim use permit applications, the District 13 Union Park District Council (UPDC) notes that concern for the community most immediately impacted by the interim parking needs to be managed with serious caution and consideration. The letter expresses frustration and disappointment that maintenance of the existing interim parking has been neglected, noting that this has diminished trust among community members and harmed the quality of the area. UPDC asks the city to provide a clear process of accountability if the interim use permit application is approved. Toward this end they request: 1) an assigned contact who is responsible to manage cleanliness of the area; 2) the area of maintenance be definitively communicated; 3) a reporting process should the neglect persist. The 2023 letter references previous letters on the subject from 2021 and 2018 and notes that the UPDC's position and sentiment expressed in those letters appropriately applies to interim use permit application today. In its 2021 letter UPDC reluctantly acquiesces to the parking lot proposal and firmly recommends: 1) the parking lot remain a temporary solution; 2) the parking lot be

gravel or other permeable surfaces rather than paved from the standpoint of permanency; 3) annual review and update with UPDC to demonstrate the need for the temporary parking; 4) the parking lot be maintained, as well as the entire parcel, as a significant portion of the parcel currently is unmaintained and an eyesore to the community and those traveling on the Green Line; and 5) a maintenance manager be assigned to the parcel with the responsibility to review, report, and address any maintenance issues with the parcel and the adjacent right-of-way, as it is highly visible to the neighborhood, and more importantly, is highly traveled and a centerpiece of the commercial district of Saint Paul. The 2018 letter addresses the position of both UPDC and Hamline-Midway Coalition on the interim use permit application and asks the project team to work with representatives from the community district councils to create and implement a shared vision for the space that creates a revised plan reflective of a multi-use design for the area. The letter included images of low-cost ways to make the space aesthetically pleasing and feasible for people to gather and connect with neighbors when the parking lots are not being used. The 2018 letter acknowledged the need for additional parking on roughly 20 soccer event days, while also noting that the space resides in a neighborhood of people who interact with the location 365 days per year and asserting that they believe it is possible to create a dual use for this space that can meet the needs of the team and the community. The Hamline-Midway Coalition submitted a letter recommending the applications for interim use permits for temporary surface parking be denied.

H. FINDINGS:

1. The applicant leases the property on which the proposed temporary surface parking lot is proposed to be established (Block B1 on the Block Diagram submitted with the application). The parking lot will be accessory to a proposed commercial building immediately to the east where a four-story building with one level of below grade parking is planned (Block B2 on the Block Diagram). The building will have ground level restaurant/retail uses and office space above. The applicant requests that termination of the surface parking use occur five years after completion of the commercial building immediately to the east. The parking lot will be constructed in tandem with commercial building to the east. Construction is anticipated to be complete by Spring 2025. The applicant states that the lot is not anticipated to be used for parking prior to completion of the building. The applicant states the developer would like to support community use of the space as part of Phase 1 of United Village development and therefore supports having the option to use the space on Block B1 for community events on weekends when there is less demand for parking. A structural canopy is planned for the center portion of the parking lot, which provides a covered area where community events can occur. A conditional use permit is required to establish certain outdoor uses, § 65.525 of the zoning code.
2. The intent of the master plan is for most off-street parking on the 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 and is, therefore, not a permitted use. An interim use permit is needed to allow the proposed temporary surface parking. The City Council resolution approving the master plan, RES PH 16-239, contemplated the need for temporary surface parking lots immediately west of the soccer stadium and identified the need for the interim use permit to allow them, including guidance on the length of time the parking lots should be allowed to exist and the level of improvements allowed, so as not to constitute a justification for long term use. While the resolution did not contemplate temporary surface parking elsewhere on the

redevelopment site, nor provide guidance for allowing it, it is logical to use similar reasoning when considering the proposed temporary surface parking lot on Block B1 with regard to length of time and extent of improvements, so as not to encourage its long term use. 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 plan includes policies to guide this transformation and the zoning code regulates parking in general in § 63.200 and § 63.300 and for Traditional Neighborhood districts in particular in § 66.342 and § 66.343(b)(18). New surface parking is subject to these regulations and requires site plan review and approval.

3. The period of time for which the interim use permit is requested by the applicant is five years. The applicant states that the start time for the permit would begin upon completion of the commercial building planned for Block B2.
4. Minnesota State Statute § 462.3597, Interim Uses, defines interim uses, gives authority to governing bodies to allow them, and specifies the required findings for establishing an interim use. Minnesota State Statute § 462.3597, Subd. 1, Definition, defines an interim use 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 is met. The development site is zoned T4M, traditional neighborhood master plan. While parking is a permitted use in the T4M zone, the master plan calls for buildings where the temporary surface parking lot is proposed.
 - b. ***The date or event that will terminate the use can be identified with certainty.*** This requirement is met. The applicant expects termination of the surface parking use to occur five years after completion of the commercial building immediately to the east on Block B2. Since the specific date the building will be complete cannot be determined at this time, staff recommends the start date for the parking use begin when the certificate of occupancy for the building on Block B2 is issued. Therefore, the date that would terminate the use would be five years from the issuance of the certificate of occupancy for the commercial building on Block B2.
 - 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. The use is on private property and no public use of the property is planned.
 - d. ***The user agrees to any conditions that the governing body deems appropriate for permission of the use.*** This requirement is met. The applicant states that it agrees to the conditions the City Council deems appropriate for permission of the use.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the interim use permit for temporary surface parking on Block B1 at 1566 University Avenue West – (temporary address - northeast corner of Snelling and Shields Avenues), subject to the following conditions:
 1. The temporary surface parking lot permitted by the interim use permit shall be accessory to the commercial building proposed for Block B2 on the United Village Block Diagram submitted with the application. The interim use permit shall terminate five years from the

date the certificate of occupancy is issued by the Department of Safety and Inspections for the commercial building.

2. Site plan approval shall be required prior to construction of the parking lot per Legislative Codes and Building Standards. This permit allows the temporary surface parking use. The permit does not grant any variances that may be needed to establish the use.
3. If the temporary surface parking lot is not replaced by permanent development that is consistent with the master plan, or unless another 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, and its successors and assigns. The property shall be mowed and maintained and litter removed regularly 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 weed control.
4. The surface parking area shall be made reasonably available for community events subject to rules created by the applicant, when demand for the parking spaces is low. A conditional use permit may be required to establish certain outdoor uses.
5. 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.

Attachments

- Application
- Block Diagram
- Union Park District Council Letters
- Hamline-Midway Coalition Letter
- Zoning case maps