

## INTERIM USE PERMIT STAFF REPORT

1. **FILE NAME:** Housing and Redevelopment Authority of Saint Paul **FILE #:** 14-101-232
  2. **APPLICANT:** HRA of Saint Paul **HEARING DATE:** July 23, 2014
  3. **TYPE OF APPLICATION:** Interim Use Permit
  4. **LOCATION:** 844-856 Payne Avenue; SE corner at Wadena
  5. **PIN & LEGAL DESCRIPTION:** 292922420238, 292922420263, 292922420279. See file for complete legal description
  6. **PLANNING DISTRICT:** 5 **EXISTING ZONING:** T2
  7. **STATE STATUTE REFERENCE:** State Statute 462.3597
  8. **STAFF REPORT DATE:** July 8, 2014 **BY:** Jacob Reilly
  9. **DATE RECEIVED:** July 2, 2014 **60-DAY DEADLINE FOR ACTION:** Sept. 2, 2014;
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- A. **PURPOSE:** Interim Use permit to allow construction and use of a temporary parking lot at 844-856 Payne Avenue for adjacent retail uses.
  - B. **PARCEL SIZE:** 35,334 square feet
  - C. **EXISTING LAND USE:** Vacant
  - D. **SURROUNDING LAND USE:**

The property is located in a commercial corridor with retail on the north and south, apartments to the west and parkland to the east.
  - E. **STATE STATUTE CITATION:** State Statute 462.3597, which provides for interim uses, includes required findings for establishing an interim use.
  - F. **HISTORY/DISCUSSION:** The property has been owned by the Housing and Redevelopment Authority of the City of Saint Paul since 2007. It has been vacant since 2007. The adjacent retail/restaurant property owners have been seeking a way to alleviate parking issues on Payne Avenue due to increased interest in the commercial uses along the corridor.
  - G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen District Five Board of Directors has recommended approval of the interim use.
  - H. **FINDINGS:**
    1. The applicant, Housing and Redevelopment Authority of the City of Saint Paul applied to the City Council for an interim use permit for parking in March 2014, but it was returned as insufficient because it lacked a sufficient site plan. A new site plan was submitted and approved and the interim use permit application accepted July 2, 2014.
    2. The property, consisting of three parcels between Aguirre St. and Phalen Boulevard is adjacent to retail and restaurant uses on Payne Avenue. Due to increasing demand for parking in the area, The Housing and Redevelopment Authority of the City of Saint Paul has applied to create an interim parking use on this site, subject to conditions as outlined in the attached resolution.
    3. State Statute 462.3597. Interim Uses defines interim uses, gives authority to governing bodies to allow them, and specifies the required findings for a establishing an interim use. §462.3597, Subd. 1 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."
    4. State 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:
      - (1) *The use conforms to the zoning regulations.* This requirement is met. The property at 844-856 Payne Avenue and is zoned T2, which permits parking facilities as part of

a shared parking arrangement pursuant to Sec. 63.206(d). It is located within 500 feet of the building(s) it is intended to serve.

(2) *The date or event that will terminate the use can be identified with certainty.* This requirement is met. The date or event that will terminate the use can be identified as the point at which the Housing and Redevelopment Authority sells the property for redevelopment.

(3) *The 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. While the applicant may have to incur additional marginal costs to meet building and fire code requirements in preparing the property for the proposed use, the applicant proposes no changes to the structure of the building or to the site layout. The permission of this use will not impact the cost to the City of acquiring this property in the future, as the property is currently owned by the Housing and Redevelopment Authority of the City of Saint Paul.

(4) *The user agrees to any conditions that the governing body deems appropriate for permission of the use.* This finding is met. The applicant has reviewed the conditions proposed by staff and has deemed them appropriate.

5. The proposed parking use is consistent with the Land Use Chapter of the Comprehensive Plan's Generalized Future Land Use policy designation for the parcel, which is "Commerical Corridor."

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the interim use permit to allow parking, with the following conditions:

1. The approved interim use is parking.
2. The use shall expire two years from the date of approval of the interim use.
3. The proposed parking lot and all associated site improvements must be constructed as shown on the site plan approved by the Department of Safety and Inspections on July 2, 2014. Changes must be submitted in writing.
4. If the lot is paved with Class V, the adjacent streets may need to be swept more frequently than is typical for City streets. As such, the roadway should be monitored for excessive tracking into the roadway and wet sweeping of the roadway completed as deemed necessary by the City's Department of Public Works. The cost of all sweeping shall be the responsibility of the owner.
5. Currently parking is banned on both sides of Aguirre Avenue. The parking ban shall be maintained while the parking lot is in existence in order to provide adequate room for backing maneuvers and emergency vehicle access.
6. The permits and fees listed below are required for the work shown on the approved site plan.
  - Building permit. A Building permit from the Department of Safety and Inspections is required.
  - Parkland Dedication Fee. A parkland dedication fee is not required for this project because it is intended to be a temporary parking lot.
7. Work covered by this site plan must be completed no later than eight (8) weeks after approval of the Interim Use Permit and this site plan.