

STAFF REPORT

FILE # 14-334-929

HEARING DATE: 11/05/2014

1. **FILE NAME:** HRA of Saint Paul (845-851 Payne Avenue)

2. **TYPE OF APPLICATION:** Interim use permit

3. **LOCATION:** 845-851 Payne Avenue (NW corner at Whittall)

4. **PIN AND LEGAL DESCRIPTION:** 292922420213-0214; Lots 29 and 30, Block 36, Stinson's Subdivision of Block 36 or Arlington Hills Addition to Saint Paul

5. **PLANNING DISTRICT:** 5

PRESENT ZONING: T2

6. **STATE STATUTE REFERENCE:** State Statute 462.3597

7. **STAFF REPORT DATE:** October 22, 2014

BY: Jake Reilly

8. **DATE RECEIVED:** September 30, 2014

DEADLINE FOR ACTION: November 29, 2014

A. **PURPOSE:** Interim use permit to allow construction and use of a temporary parking lot for a maximum of 19 cars at 845-851 Payne Avenue for adjacent retail uses.

B. **PARCEL SIZE:** Site is comprised of two roughly rectangular parcels 80 ft x 127 ft (Payne) totaling 10,216 square feet in area.

C. **EXISTING LAND USE:** Vacant (zoned T2)

D. **SURROUNDING LAND USE:**

North: Mixed commercial uses (zoned T2)

East: Mixed commercial uses (zoned T2)

South: Right-of-way

West: Residential uses (zoned RT2)

E. **STATE STATUTE CITATION:** State Statute 462.3597, which provides for interim uses, includes required findings for establishing an interim use.

F. **HISTORY/DISCUSSION:** 845 and 851 Payne Avenue are located on the northwest corner of Payne Avenue and Whittall Street. At the time of purchase by the Housing and Redevelopment Authority (HRA), the site comprised of a vacant commercial building and small surface parking area. The past use of the property was a gas station and auto repair shop. The property is zoned T2 (Traditional Neighborhood), and was rezoned from B3 in a zoning study completed for the entire Payne Avenue corridor. The HRA purchased the site earlier this year and have demolished the structures. The site is to the south of Bymore Supermercado, a popular grocery store along the avenue, the owners of which are hoping to expand into the adjacent storefront to the north. However, their current parking supply is not adequate to meet the additional need required by the expansion. The temporary lot would provide required parking up until such a time as the lot(s) are sold for redevelopment and a permanent shared lot is constructed on a different part of the block.

G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen District Five Board of Directors has not yet made a recommendation regarding the interim use.

H. **REQUIRED FINDINGS:** § 69.406 of the Zoning Code requires that all of the following findings shall be made prior to approval of a subdivision:

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. The property, consisting of two parcels between Whittall and Wells Streets is adjacent to retail 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.
2. 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. §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. 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:

- a. *The use conforms to the zoning regulations.* This requirement is met. The property at 845-851 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.
 - b. *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.
 - c. *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 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.
 - d. *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.
3. The proposed parking use is consistent with the Land Use Chapter of the Comprehensive Plan's Generalized Future Land Use policy designation for the parcels, which is "Mixed-Use 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 proposed parking lot and all associated site improvements must be constructed substantially similarly to those shown on the site plan submitted with this application and said site plan must be approved by the Department of Safety and Inspections.
 3. 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.
 4. The use of the properties solely as a parking lot shall be discontinued when the properties are sold for redevelopment.