

INTERIM USE PERMIT STAFF REPORT

1. **FILE NAME:** 168 Front Farmers Market **FILE #** 15-014-333
 2. **APPLICANT:** District 6 Planning Council **HEARING DATE:** April 1, 2015
 3. **TYPE OF APPLICATION:** Interim Use Permit
 4. **LOCATION:** 168 Front Ave, SE corner at Albemarle
 5. **PIN & LEGAL DESCRIPTION:** 252923410017, Weides Addition And rearrange Ex S 11
5/10 Ft The Fol W 93 75/100 Ft Of Lots 11 And Lot 12 Blk 2
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** RT1
 7. **STATE STATUTE REFERENCE:** State Statute 462.3597
 8. **STAFF REPORT DATE:** March 20, 2015 **BY:** Hilary Holmes
 9. **DATE RECEIVED:** March 2, 2015 **60-DAY DEADLINE FOR ACTION:** May 1, 2015
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- A. **PURPOSE:** Interim use permit for use as a farmers market
- B. **PARCEL SIZE:** Site is 6,422 sq ft
- C. **EXISTING LAND USE:** Vacant parcel (zoned RT1)
- D. **SURROUNDING LAND USE:**
 - North: Single-family residential and commercial (RT1, T2)
 - East: Single-family residential and commercial (RT1, T2)
 - South: Single-family residential and commercial (RT1, T2)
 - West: Single-family residential (RT1)
- E. **STATE STATUTE CITATION:** Minnesota Statute §462.3597, which provides for interim uses, includes required findings for establishing an interim use.
- F. **HISTORY/DISCUSSION:** The property is owned by the Saint Paul Housing and Redevelopment Authority (HRA). District 6 Planning Council has a lease agreement with the HRA for use of the site through 2015. The applicant, District 6 Planning Council, previously applied for a variance of the residential lot size requirement to use the site for a farmers market with five vendors. It was determined that an interim use permit is the appropriate application for interim use of the property for a farmers market.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Planning Council is the applicant and is in support of this interim use.
- H. **FINDINGS:**
 1. The applicant, District 6 Planning Council, applied to the City Council for an interim use permit for a farmers market. The property, at the corner of Front Street and Albemarle Street, is adjacent to commercial uses on Front and Rice Streets. Front Street is a mix of commercial and residential uses. Due to a desire to provide access to fresh produce for residents, District 6 Planning Council has applied to create an interim farmers market on this site, subject to conditions as outlined in the attached resolution.
 2. Minnesota 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. 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 property at 168 Front Avenue is zoned RT1 two-family residential. Farmers market is a permitted use in RT1 zoning district, though in residential districts it requires a larger lot size. 168 Front is not a typical residential lot; the block face along Front has T2 zoning at Front Avenue and Rice Street, and Front Avenue itself is a mix of residential and neighborhood serving commercial uses and zoning districts. In the future it may be appropriate to rezone the lot to T1 or T2 (which both permit the farmers market use without a lot size restriction), though this is a reasonable use for the property in the interim.
 - 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 lease agreement between the District 6 Planning Council and Housing and Redevelopment Authority for use of the property expires, allowing for extension of the lease agreement on a yearly basis for no more than three years.
 - 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 any 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 farmers market use is consistent with the Land Use Chapter of the Comprehensive Plan's Generalized Future Land Use policy designation for the parcel, "Established Neighborhood" by providing neighborhood serving commercial use near the juncture of arterial and collector streets.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of an interim use permit for a farmers market subject to the following additional condition(s):
1. The farmers market shall have no more than five vendors and hours of operation shall be limited to the hours of 7:00 a.m. – 7:00 p.m. Outdoor storage is not permitted on this site. All signage, tents, equipment and trash shall be removed after each market day.
 2. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application (attached).
 3. The interim use permit for a farmers market shall expire when the lease agreement between District 6 Planning Council and the Saint Paul Housing and Redevelopment Authority ends on December 31, 2015, with the possibility for extension of the lease agreement on a yearly basis, subject to approval, for no more than three years.