



Legislation Text

File #: RES PH 15-88, **Version:** 1

Granting an interim use permit to District 6 Planning Council for a farmers market on HRA property at 168 Front Avenue.

WHEREAS, Minnesota Statute § 462.3597 allows municipalities to permit the temporary use of property as an "interim use" provided the governing body of the municipality finds, following a public hearing conducted in the manner provided under Minn. Stat. § 462.3597, Subd.3, that the interim use meets the following standards specified under Minn. Stat. § 462.3597, Subd.2:

- (1) the interim use conforms to the municipality's zoning regulations;
- (2) the date or event that will terminate the interim use can be identified with certainty;
- (3) permission of the interim use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the interim use; and

WHEREAS, pursuant to Minn. Stat. § 462.3597, the District 6 Planning Council, in PED Zoning File No. 15-014333, duly applied to the Council of the City of Saint Paul ("Council") for an Interim Use Permit to allow a farmers market on real property owned by the HRA commonly known as 168 Front Avenue for the benefit of residents of District 6; and

WHEREAS, the subject property is located in an RT1 zoning district which permits farmers markets subject to the standards of Leg. Code § 65.515; and

WHEREAS, on April 1, 2015 and pursuant to Leg. Code § 61.303, which fulfills the requirements of Minn. Stat. § 462.3597, Subd.3, a public hearing was duly conducted before the Council at which all interested parties were afforded the opportunity to be heard; and

WHEREAS, based upon all the facts, files, and record testimony obtained during the said public hearing, as well as the report and recommendation prepared by staff from the Department of Planning and Economic Development, and pursuant to Leg. Code § 61.104, the Council of the City of Saint Paul does hereby

RESOLVE that the Interim Use Permit requested by the District 6 Planning Council for a farmers market is hereby granted based upon the following findings and subject to certain conditions as follows:

1. The Council finds that the requested Interim Use Permit meets the requirements of Minn. Stat. § 462.3597, sub. (1-4) as set forth in the report from the staff of the Department of Planning and Economic Development which the Council hereby adopts as its own and incorporates the same into this resolution; and, be it FURTHER RESOLVED, that the farmers market shall be operated in compliance with the following conditions imposed under a site plan to be approved by the Department of Safety and Inspections as follows and that the violation of any of them shall form the bases for revoking this permit by the Council pursuant to Leg. Code § 61.08.

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 as a part of the application.
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.

AND, BE IT FINALLY RESOLVED, that the City Clerk shall mail a copy of this resolution to Ward 1, the Zoning Administrator, the Planning Administrator, the Director of the Department of Public Works, and the Director of the Department of Safety and Inspections.