



## Legislation Text

**File #:** RES PH 14-194, **Version:** 1

Granting an interim use zoning permit to the Saint Paul Housing and Redevelopment Authority (HRA) allowing the establishment and use of a temporary parking lot on HRA property at 844-856 Payne 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 Housing and Redevelopment Authority for the City of Saint Paul ("HRA"), in PED Zoning File No. 14-0101232, duly applied to the Council of the City of Saint Paul ("Council") for an Interim Use Permit to allow a surface parking lot on real property owned by the HRA commonly known as 844, 848, and 856 Payne Avenue for the convenience of the patrons of the Ward 6 restaurant located at Payne Ave; and

WHEREAS, the subject property is located in a T2 zoning district which permits surface parking subject to the standards of Leg. Code § 66.341(b); and

WHEREAS, on July 23, 2014 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 HRA for surface parking 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 parking lot shall be operated in compliance with the following conditions imposed under the site plan approved by the department of safety and inspections on July 2, 2014 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. Site improvements. 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.

2. Street Sweeping. 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.

3. On-street parking. 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.

4. Permits and Fees. 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.

5. Time limit. Work covered by this site plan must be completed no later than 8 weeks after approval of the Interim Use Permit and this site plan.

AND, BE IT FINALLY RESOLVED, that the City Clerk shall mail a copy of this resolution to Ward 6, the Zoning Administrator, the Planning Administrator, the Director of the Department of Public Works, and the Director of the Department of Safety and Inspections.