



## Legislation Text

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**File #:** RES 17-1580, **Version:** 1

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Approving the Final Plat for the Snelling-Midway Redevelopment Site. (Public hearing on the preliminary plat held August 3, 2016)

WHEREAS, MUSC Holdings, LLC ("Team"), together with the following: RK Midway Shopping Center LLC, RK University Midway LLC and Midway Lot 5 LLC (collectively, "RKM"), under PED Zoning File No. 17-084-212, have submitted for City Council approval the attached "MLS Soccer Redevelopment final plat" for the subdivision of property located at 400 North Snelling Avenue (*a temporary address*) to create seven (7) lots (zoned T4) and three Outlots; and

WHEREAS, the Team had previously selected a 10-acre parcel at the northeast corner of Snelling and St. Anthony Avenues owned by the Metropolitan Council and commonly known as the "Bus Barn" site together with a portion of a 25-acre parcel owned by RKM and commonly known as Midway Shopping Center ("MSC"), as the desired location for a major league soccer stadium ("Stadium Site"); and

WHEREAS, on August 3, 2016, the City Council, following proper notice of a public hearing duly published in the City's official newspaper and mailed notice to each owner of property situated within 350 feet of the subject property, duly conducted the hearing on a preliminary plat for the subject area where all interested parties were given the opportunity to be heard and the Council, upon closing the said hearing and having considered all the facts and recommendations concerning the preliminary plat duly moved to approve the preliminary plat, subject to specific conditions, in RES PH-16-252; and

WHEREAS, the approved preliminary plat required for parkland dedication purposes, a land area of at least 0.63 acres in order to plat Lot 1 Block 1, Lot 1 Block 3, Outlot A, Outlot B, and Outlot C [the calculation included the area of the Metropolitan Council property] and this final plat identifies an area of land that meets this size requirement; and

WHEREAS, no land for park dedication is required for this final plat for the 12.81 acres comprised of present Lots 1, 2, and 3 Block 2 or Lot 1 Block 4 owned by RKM as Lots 1 and 2 of Block 2 must in the future be replatted to provide for public ways consistent with the Snelling-Midway Redevelopment Site Master Plan and Design Guidelines as adopted under Council Resolution 16-239 and the dedication of land for park purposes will take place when the said lands are replatted in the future; and

WHEREAS, between the approval of the preliminary plat and the filing of this final plat application, the Team revised its plans regarding parkland dedication and now desires to provide private land for public use as parkland pursuant to Leg. Code § 69.511(c) in lieu of dedicating private land to the public for park purposes via platting; and

WHEREAS, providing private land for public use is a permissible alternative under Leg. Code § 69.511(c) to dedicating land for public park purposes via platting provided the applicant abides by all the conditions set forth under that section and, to comply with those conditions, the Department of Parks and Recreation and the Team negotiated a privately owned public space or "POPS" agreement which the Council, under separate resolution, will consider for adoption; and

WHEREAS, provided the Council adopts the said POPS agreement, it shall be incorporated herein for reference purposes as fulfilling the parkland provision requirement for this final plat approval; and

WHEREAS, there is also a change between the approved preliminary plat and this final plat approval related to Simpson Place right of way, a 70-foot wide street segment identified in the Snelling-Midway Redevelopment Site Master Plan and Design Guidelines; the final plat calling for moving the street segment to the east to line up with new Simpson Street to the south and existing Simpson Street north of University Avenue and creating a 35-foot wide pedestrian easement to take the place of the 70-foot wide street segment; the city having accepted this change and agreed that the platting as shown on the preliminary plat is no longer needed and the Department of Public Works determined that from a transportation planning and safety perspective the 35-foot wide pedestrian easement is sufficient to meet the needs of the public in so much as vehicular transportation will be limited in the easement area and that the decision on easement width was agreed to by both Planning and Economic Development and Public Works staff given that the 35-foot wide pedestrian easement area is not designed as a through street for regulation vehicle circulation but is planned for pedestrians, service and emergency vehicles, and food trucks and is of sufficient width for these purposes; and

WHEREAS, the appropriate City departments have reviewed the final plat and found, subject to the recommended conditions, that it meets the requirements of Chapter 69 of the Zoning Code; and

WHEREAS, pursuant to Leg. Code § 69.403 requiring an applicant to file its final plat application within one year following the City Council's preliminary plat approval, the applicant, having worked with city staff on its final plat prior to and beyond the one year timeline, duly submitted this final plat application on September 27, 2017 which, in the opinion of staff, contains all modifications required in the conditions approving the preliminary plat (RES PH 16-252) as well as the following:

- a. Survey, content of plats, and boundary data in the manner prescribed by Section 505.02, Minnesota Statutes, as amended from time to time.
- b. Certification of dedication by the land owners and surveyor's certification as required in Section 505.03, Minnesota Statutes, as amended from time to time.

NOW, THEREFORE, BE IT RESOLVED, that the City Council accepts and approves the attached MLS Soccer Redevelopment final plat (400 North Snelling Avenue *a temporary address*) as compliant with the provisions of Minn. Stat. § 505.03, subject to the following conditions:

1. A POPS agreement for Outlot C shall be approved by the Saint Paul City Council in lieu the parkland dedication requirement for this final plat.
2. Lots 1, 2, and 3 of Block 2 shall be replatted in the future to allow for public rights of way consistent with the Snelling-Midway Redevelopment Site Master Plan and Design Guidelines, City Council Resolution 16-239. The dedication of parkland for Lots 1, 2, and 3 Block 2 and Lot 1 Block 4 shall take place at that time.
3. Encroachment permits shall be obtained from and upon such terms as the Department of Public Works deems appropriate in order to allow any such structures found within the platted rights of way to remain until the encroachments are removed. Encroachment permits shall be obtained by December 31, 2017.
4. The procedures prescribed under Leg. Code Chap. 130 shall be followed to release or vacate any easements existing on the Midway Shopping Center plat prior to November 15, 2017.
5. The promenade south of the stadium and north of St. Anthony Avenue shall be publicly

accessible at all times, 365 days a year, 24 hours a day, 7 days a week for the life of the stadium and the Team shall be responsible for operation and maintenance of the promenade, including snow removal.

6. All easement documents associated with this final plat shall be filed with the office of the county recorder of Ramsey County after the final plat is recorded but no later than December 31, 2017. All easements shall be derived from the legal descriptions created by the final plat. Easement documents to be filed include but are not limited to:
- 1) 5-foot wide pedestrian easement on Outlot C and 30-foot wide pedestrian easement on Lot 1 Block 4;
  - 2) Street and utility easement for sidewalks along Snelling Avenue on Metropolitan Council property;
  - 3) Street and utility easement for Central Avenue on Metropolitan Council property;
  - 4) Street and utility easement for Asbury Street on Metropolitan Council property; and
  - 5) Watermain easement on Metropolitan Council property.

AND BE IT FURTHER RESOLVED, that the City Clerk shall mail a copy of this resolution to the Applicant, the Zoning Administrator, and the Planning Administrator.