

## INTERIM USE PERMIT STAFF REPORT

1. **FILE NAME:** MUSC Holdings, LLC **FILE #**23-064-122
  2. **APPLICANT:** MUSC Holdings, LLC **HEARING DATE:** September 20, 2023
  3. **TYPE OF APPLICATION:** Interim Use Permit – Extension of Existing Permit
  4. **LOCATION:** 400 Snelling Avenue North (east side between St. Anthony and Shields)
  5. **PIN & LEGAL DESCRIPTION:** Lot 1 Block 1, MLS Soccer Redevelopment, PIN 34.29.23.32.0013. See file for legal description for property with PIN 34.29.23.32.0023
  6. **PLANNING DISTRICT:** 13 and 11 **PRESENT ZONING:** T4M
  7. **STATE STATUTE REFERENCE:** Minnesota State Statute § 462.3597
  8. **STAFF REPORT DATE:** September 7, 2023 **BY:** Kady Dadlez
  9. **DATE RECEIVED:** July 18, 2023 **60-DAY DEADLINE FOR ACTION:** November 15, 2023
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- A. **PURPOSE:** Extension of existing interim use permit for temporary surface parking lots for an additional five years.
- B. **PARCEL SIZE:** The southwestern portion of the parcel on which the southern parking lot is located is approximately 32,000 square feet in area; the surface parking occupies about 100 feet of frontage on Snelling Avenue. The parcel on which the northern parking lot is located is approximately 47,300 square feet in area; the surface parking occupies about 125 feet of frontage on Snelling Avenue.
- C. **EXISTING LAND USE:** The properties are occupied by temporary surface parking and related improvements. The northern lot has 103 parking stalls, the southern lot has 63.
- D. **SURROUNDING LAND USE:**
  - North:** Vacant land in a T4M (traditional neighborhood master plan) district.
  - East:** Soccer stadium in a T4M district.
  - South:** I-94 in a T4M district and commercial and residential uses in a T3 district.
  - West:** Mixed-use in a T3 zone and residential uses and vacant land in an RM2 district.
- E. **STATE STATUTE CITATION:** Minnesota State Statute § 462.3597 provides for interim uses and includes required findings for establishing an interim use.
- F. **HISTORY/DISCUSSION:** An interim use permit for the parking lots was approved by the City Council in 2018 in conjunction with the development of the soccer stadium, RES PH 18-176 and Zoning File # 18-088-762. A condition of the permit states that the permit terminates on November 15, 2023.
- G. **DISTRICT COUNCIL RECOMMENDATION:** In its August 2023 letter addressing the interim use permit applications, the District 13 Union Park District Council (UPDC) notes that concern for the community most immediately impacted by the interim parking needs to be managed with serious caution and consideration. The letter expresses frustration and disappointment that maintenance of the existing interim parking has been neglected, noting that this has diminished trust among community members and harmed the quality of the area. UPDC asks the city to provide a clear process of accountability if the interim use permit application is approved. Toward this end they request: 1) an assigned contact who is responsible to manage cleanliness of the area; 2) the area of maintenance be definitively communicated; 3) a reporting process should the neglect persist. The 2023 letter references previous letters on the subject from 2021 and 2018 and notes that the UPDC's position and sentiment expressed in those letters appropriately applies to interim use permit application today. In its 2021 letter UPDC reluctantly acquiesces to the parking lot proposal and firmly recommends: 1) the parking lot remain a temporary solution; 2)

the parking lot be gravel or other permeable surfaces rather than paved from the standpoint of permanency; 3) annual review and update with UPDC to demonstrate the need for the temporary parking; 4) the parking lot be maintained, as well as the entire parcel, as a significant portion of the parcel currently is unmaintained and an eyesore to the community and those traveling on the Green Line; and 5) a maintenance manager be assigned to the parcel with the responsibility to review, report, and address any maintenance issues with the parcel and the adjacent right-of-way, as it is highly visible to the neighborhood, and more importantly, is highly traveled and a centerpiece of the commercial district of Saint Paul. The 2018 letter addresses the position of both UPDC and Hamline-Midway Coalition on the interim use permit application and asks the project team to work with representatives from the community district councils to create and implement a shared vision for the space that creates a revised plan reflective of a multi-use design for the area. The letter included images of low-cost ways to make the space aesthetically pleasing and feasible for people to gather and connect with neighbors when the parking lots are not being used. The 2018 letter acknowledged the need for additional parking on roughly 20 soccer event days, while also noting that the space resides in a neighborhood of people who interact with the location 365 days per year and asserting that they believe it is possible to create a dual use for this space that can meet the needs of the team and the community. The Hamline-Midway Coalition submitted a letter recommending the applications for interim use permits for temporary surface parking be denied.

**H. FINDINGS:**

1. The applicant leases the property on which the existing temporary surface parking lots are located. The northern lot has 103 parking stalls and the southern lot has 63. The parking lots were constructed in 2018 in conjunction with the construction of the soccer stadium and include rain gardens, lighting, curbing, and striping. The temporary surface parking lots serve the soccer stadium use immediately to the east. The permit is valid for five years and expires November 15, 2023. The applicant states that due to the pandemic and ensuing economic downturn in the past five years, redevelopment of the parking lots, consistent with the Snelling-Midway Redevelopment Site Master Plan and Design Guidelines, RES PH 16-239, has been delayed. The applicant requests an extension of the existing interim use permit for an additional five years, until November 15, 2028, adding that the two surface parking lots will continue to be used in connection with the stadium as provided in the original permit.
2. The temporary surface parking lots are not part of the adopted master plan and are, therefore, not a permitted use. An interim use permit was needed to allow the temporary parking lots in 2018. The City Council resolution approving the master plan, RES PH 16-239, contemplated the need for the temporary parking lots and identified the need for the interim use permit to allow them. Condition #5 of the resolution approving the master plan states, *any parking lot west of the stadium approved by interim use permit shall be removed no later than five (5) years after establishment. Minimal improvements to the lot may be allowed but significant investment is discouraged and will not constitute a justification for long term use.* The master plan intent is for most off-street parking on redevelopment site to be provided in structured parking facilities above or below ground. It was anticipated that the property on which the temporary parking lots are located would be redeveloped with buildings that provide structured parking to serve the uses

and that the parking for the new uses would be shared by stadium attendees when demand for the spaces do not conflict. Redevelopment of the parking lots with new buildings did not occur within the past five years and the applicant requests the parking lots be allowed to remain for an additional five years as redevelopment of the lots is pursued.

3. The period of time for which the interim use permit extension is requested by the applicant is November 15, 2023 through November 15, 2028.
4. Minnesota 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. Minnesota State Statute § 462.3597, Subd. 1, Definition, 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 development site is zoned T4M, traditional neighborhood master plan. While parking is a permitted use in the T4M zone, the master plan calls for buildings where the temporary parking lots are proposed. Finding 1 in the master plan staff report states, *“The temporary parking lot is needed in the short term to serve the stadium until future structured parking that can be shared with other uses is built. It is anticipated that some of the future structured parking will be available for stadium visitors when event times do not conflict with peak demand time for building users.”* Finding 2.b.(1) of the staff report states the following, *“...An interim parking lot is proposed west of the stadium to serve the stadium on event days only until such time as other development with associated parking is built that can be shared with the stadium. This parking lot is not part of the master plan; the site is planned for office, retail, and structured parking uses. The interim parking lot should be temporary and removed after a reasonable amount of time. In addition, minimal improvements to the lot should be allowed to discourage significant investment and justification for longer term use. Approval of this parking lot would best be handled through an interim use permit. A five year time limit is recommended.”* Due to the pandemic and ensuing economic downturn in the past five years, redevelopment of the parking lots has been delayed.
  - b. ***The date or event that will terminate the use can be identified with certainty.*** This requirement is met. The applicant states that the temporary parking lots will terminate on November 15, 2028. This is a five year extension of the existing permit that expires on November 15, 2023. The request to extend the existing permit for an additional five years is reasonable in light of the pandemic and economic downturn.
  - c. ***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. The properties on which the existing temporary parking lots are located are owned by the Metro Transit and RD Management Corporation. The City has a 52 year lease with Metropolitan Transit and in turn subleases the property to the applicant.
  - d. ***The user agrees to any conditions that the governing body deems appropriate for permission of the use.*** This requirement is met. The applicant states that it agrees to the conditions the City Council deems appropriate for permission of the use.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the extension of the existing interim use permit for temporary surface parking lots, at 400 Snelling Avenue North, subject to the following conditions:

1. The permit shall be in effect from November 15, 2023 through November 23, 2028.
2. If one or both of the temporary parking lots is not replaced by permanent development that is consistent with the master plan, or unless another interim use permit extension application is made and granted by the City, by the time the interim use permit expires, the parking lot improvements shall be removed under a demolition permit and the site stabilized and restored with turf grass. The property shall be mowed and maintained and litter removed regularly until such time as the property is developed in accordance with the master plan. The applicant shall maintain the rain water gardens in working order including routinely providing litter and weed control for the duration of the permit.
3. The applicant shall assign a contact person responsible for managing cleanliness of the parking lot. The name and contact information of this person, and their successors, shall be provided to the Union Park District Council and the Hamline-Midway Coalition.

#### **Attachments**

- Application
- Application materials and site plan
- City Council Resolution RES PH 18-176
- Letters from Union Park District Council
- Letter from Hamline-Midway Coalition
- Zoning case maps