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APPLICATION FOR APPEAL

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

MAY 29 2012

Zoning Office Use Only
File #: 12-061763
Fee: 440.-
Tentative Hearing Date: 6/29/12

APPELLANT

Name: Tammy & Mike Thomas
Address: 2135 Lincoln Ave
City: St Paul St. Mn Zip: 55105 Daytime Phone: 651.210.6174

PROPERTY LOCATION

Zoning File Name: Cullen LLC Apartment Building
Address / Location: 2124 & 2130 Grand Ave

TYPE OF APPEAL: Application is hereby made for an appeal to the:

[] Planning Commission, under provision of Chapter 61, Section 701, Paragraph c of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator

OR

[X] City Council, under provision of Chapter 61, Section 702, Paragraph a of the Zoning Code, of a decision made by the Planning Commission

Date of decision: 5/18, 2012 File Number: #12-037-383

GROUND FOR APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission.

See attached documents.

Attach additional sheets if necessary

Appellant's Signature: Tammy Thomas & Kevin Coon Date: 5/29/2012 City Agent

May 29, 2012

Department of Planning and Economic Development
Zoning Section – Zoning Administrator
1400 City Hall Annex
25 Fourth Street West

Re: Appeal of St. Paul Planning Commission Resolution
Site Plan #12-037-383, Grand and Finn Student Apartments

Dear Sir/Madam:

Each and every official charged with implementing Saint Paul's Comprehensive Plan and Zoning Code has an obligation to carefully consider land use decisions in the broader context of the purpose, spirit and intent of the underlying planning provisions. These planning documents reinforce that the City of St. Paul has a legitimate interest in preserving the character of its residential neighborhoods through laws that regulate structures, land uses, number of persons occupying a dwelling unit, and off-street parking. The documents also provide that City officials are fully authorized to reject or impose conditions on a land use proposal where deemed reasonable and necessary to ensure compliance with the standards and purposes of the Zoning Code and the policies of the Comprehensive Plan, and to protect the adjoining properties and the public interest. These various obligations are no more acute than when a proposed development threatens the stability of a single family residential neighborhood, establishes controversial precedent for future similar proposals, and begins to drive long-term residents from their homes well before spade has even hit dirt. This letter is to appeal the Saint Paul Planning Commission's May 18, 2012 approval of the site plan application for construction of a five-story, 20-unit, 80-resident student "apartment" at the corner of Grand and Finn, #12-037-383 (hereinafter "proposed structure" or "proposed development").

Below is the architectural rendering of this massive off campus student housing proposal, in the context of the residential block on which it would be constructed:



There is simply no precedent for construction of a building with this combination of height, setback, occupant use and density, massing and scale in a non-commercial zone on Grand Avenue or other transit corridor in the residential neighborhoods of Macalester Groveland, and the Planning Commission erred in finding that the proposed development is consistent with City planning documents, including the Comprehensive Plan and Zoning Code. The site plan application for this proposed structure should be rejected for the following reasons:

1. In approving a site plan allowing for construction of a five-story, 80-student private dormitory in the midst of a single family residential neighborhood, the Planning Commission has abdicated its responsibility under the Zoning Code to establish conditions necessary to protect properties adjacent to the site and promote the general welfare of the neighboring community.
2. The proposed structure is inconsistent with planning documents for the site, including the City of St. Paul's Comprehensive Plan, as well as the Macalester Groveland Master Plan and the Conditional Use Permit issued to the University of St. Thomas (both adopted by the City Council as addendums to the Comprehensive Plan).
 - A. The Commission overemphasized generalized goals of "increased density" while failing to address any of the specific conditions necessary to implement this massive density increase in a manner consistent with other goals and requirements of the Plan, particularly height limits established in the University of St. Thomas Conditional Use Permit.
 - B. The Commission erred in failing to issue findings as to the glaring inconsistencies between the site plan and the University of St. Thomas Conditional Use Permit.
 - C. The resolution gives only the most superficial nod to the goals and recommendations of the Macalester Groveland Community Plan, failing completely to cite the Community Plan's recommendation that development be limited to 2-3 stories.
3. The site plan does not meet all Zoning Code requirements and the Commission's findings of fact failed on multiple fronts, including consideration of the proposed development's effect on neighboring properties, density, parking, setback, and height requirements.
4. The proposed development is a *de facto* dormitory, not a traditional apartment complex; therefore, the Commission erred in failing to make a similar use determination under Section 65.150 of the Code, and requiring a conditional use permit for the site.
5. As approved, the site plan undermines the conditions imposed on student residential construction sited on the University of St. Thomas' campus, a mere thirty feet from the proposed off campus dormitory.
6. As approved, the proposed structure and use exacerbates a growing problem of increasing student density in an area oversaturated with unsupervised undergraduate student residents.

* * * * *

The detailed grounds for this neighborhood appeal are as follows:

1. In approving a site plan allowing for construction of a five-story 80-student private dormitory in the midst of a single-family residential neighborhood, the Planning Commission has abdicated its responsibility under the Zoning Code to establish conditions necessary to protect properties adjacent to the site and promote the general welfare of the neighboring community.

The Saint Paul Zoning Codes exists, *inter alia*:

- To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community;
- To implement the policies of the comprehensive plan;
- To ensure adequate light, air, privacy and convenience of access to property;
- To encourage a compatible mix of land uses at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods;
- To conserve and improve property values;
- To protect all areas of the city from harmful encroachment by incompatible uses;
- To prevent the overcrowding of land and undue congestion of population;
- To fix reasonable standards to which buildings, structures and uses shall conform.