

city of saint paul
planning commission resolution
file number 16-12
date April 1, 2016

WHEREAS, Nova Classical Academy, File # 16-015-194, has appealed a Planning Administrator approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Avenue, under the provisions of §§61.701 & 66.344(c) of the Saint Paul Legislative Code, on property located at 763 Kay Ave, Parcel Identification Number (PIN) 142823210045, legally described as Victoria Park Lot 1 Blk 6; and WHEREAS, the Zoning Committee of the Planning Commission, on March 24, 2016, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. In a letter dated February 18, 2016, the Planning Administrator approved two modifications of the Victoria Park Master Plan: a change in building type from townhome to rental apartments, and an increase in the maximum building height from 40' to 49'6". The Victoria Park Master Plan's maximum building height governs the *entire* building, regardless of how close to the setback lines it is located.
2. Minor plan modifications may be approved by the Planning Administrator, while major plan modifications require review by the Planning Commission and City Council. Minor plan modifications include changes of less than 10% in land area designated in a specific category, provided such changes are consistent with the intent of the master plan. §66.344(c)(2) states that "major modifications include changes of 10% or more in land area designated in a particular category; creation of a new public street or removal of a public street segment; removal of a park or open space area; or addition or removal of an entire block." Planning Administrator decisions are subject to appeal to the Planning Commission. Review by the City Council would only occur if: (a) an appeal of the Planning Commission's decision is filed; or (b) the Planning Commission determines that the proposed changes constitute a major modification.
3. The Victoria Park Master Plan's land use category of Mixed Residential (as shown in Plate 6) is not being changed, and so the threshold of 10% land area change that would constitute a major plan modification is not met. Also, the change in building type (Plate 7) from townhomes to apartments is consistent with the master plan's intent, including as stated in Core Design and Planning Principle #1 ("The site is urban in character, in terms of block

moved by Nelson
seconded by _____
in favor 12
against 3 (DeJoy, Makarios, Underwood)

size, block arrangement and density.”), Principle #4 (“There is a range of housing types, prices and styles.”), and Principle #5 (“The neighborhood is well-designed so that relatively high densities are provided in medium-rise, human-scaled buildings.”). Therefore, due to both the lack of land use category change and consistency with master plan intent, the change in building type constitutes a minor modification of the Victoria Park Master Plan.

4. The proposed increase in height from 40' to 49'6" allows for one additional story for the residential use, totaling approximately 13 additional residential units. The additional units constitute approximately a 2% increase in residential units for the master plan area, which is a minor change that is consistent with the master plan's intent.
5. A building height increase is not included in the list of changes in §66.344(c)(2) that constitute a major master plan modification, and the change in maximum building height for this site from 40' to 49'6" is not similar to the changes listed in §66.344(c)(2) as constituting a major master plan modification.
6. The total impact of the building type change and the height increase is to allow approximately 37 additional residential units on the site, which will allow a total of approximately 537 residential units in the Victoria Park Master Plan as compared to the 2005 vision that anticipated approximately 840 units. The total proposed changes to the Victoria Park Master Plan constitute a minor amendment and are consistent with the master plan's intent.
7. The applicant has not yet applied for City site plan review and approval for the proposed apartment development. The number and type of dwelling units proposed will be specified as part of the site plan to be submitted for City review and approval, and parking to meet the parking requirement for the unit mix will be shown. For multiple-family dwelling units, the Zoning Code generally requires 1 parking space per efficiency or 1-bedroom unit, 1.5 spaces per 2- or 3-bedroom unit, and 2 spaces per unit with 4+ bedrooms (dens count as bedrooms). In the T3M zoning district, this parking requirement may be reduced by 25%. Also, in T3M, on-street parking located along a property's frontage may be used toward that property's parking requirements. At the March 10 public hearing, the applicant stated an anticipated unit mix that would result in a parking requirement of 52 spaces. Approximately 18 parking spaces could be provided on the adjoining streets, though the applicant stated on March 10 that they anticipate relying on only 6 street spaces. It is anticipated that a traffic study, which City staff have already requested, will be required as part of site plan review.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal by Nova Classical Academy of the Planning Administrator approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Avenue is hereby denied and that the Planning Administrator's decision is upheld.