



WHEREAS, on March 24, 2016 and pursuant Leg. Code § 61.701, the Planning Commission's Zoning Committee duly conducted a public hearing on NCA's appeal and, upon the close of the hearing, moved to uphold the Planning Administrator's decision and recommend denial of NCA's appeal; and

WHEREAS, on April 1, 2016, the Planning Commission considered NCA's appeal and, following debate on the matter and, based upon all the files and records and the recommendation of its Zoning Committee, moved to deny NCA's appeal and uphold the Planning Administrator decision for the reasons set forth in Planning Commission Resolution No. 16-12 which is incorporated herein by reference; and

WHEREAS, on April 8, 2016, and pursuant to Leg. Code § 61.702(a), NCA duly filed an appeal from the Planning Commission's April 1, 2016 decision upholding the Planning Administrator's decision and requested a public hearing to consider the matter before the City Council; and

WHEREAS, on May 4, 2016, the Council of the City of Saint Paul duly conducted a public hearing on NCA's appeal where all persons interested in the matter were afforded an opportunity to be heard; and,

WHEREAS, upon the close of the public hearing, the City Council, having heard the statements made and having considered all the files, reports and testimony in the matter including Commission Resolution No.16-12, does hereby;

RESOLVE, that the Planning Commission's April 1, 2016 denial of NCA's administrative appeal from the Planning Administrator's February 18, 2016 decision to modify two provision of the VPMP as "minor" modifications is hereby affirmed for the following reasons:

NCA failed to show that the administrative decision approving the requested modifications to the VPMP was in error as to any of the underlying facts, procedures, or findings necessary to approve a "minor" modification to an adopted master plan pursuant to Leg. Code § 66.344(c) (1). In affirming the administrative decision approving the modifications in the VPMP for the subject parcel from townhome to rental apartments and to increase the permitted building height, the Council hereby adopts as its own in support of this decision the Planning Commission's underlying reasoning as set forth in Planning Commission Resolution No. 16-12.

The Council notes that the concerns voiced during the public hearings regarding such matters as vehicular street parking and traffic and vehicle ingress and egress to the proposed apartment development can be addressed during the review of CRE's site plan for the project; and

BE IT FURTHER RESOLVED, based upon the foregoing, that NCA's appeal is hereby denied; and

BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this Resolution to the Appellant NCA, the project Applicant CRE, and the planning commission.