



Legislation Text

File #: RES 18-1247, **Version:** 1

Memorializing the decision of the City Council to deny the appeal of David Burke of the Planning Commission's decision approving a CUP to expand an existing sorority at 1381 Cleveland Avenue North.

WHEREAS, on April 19, 2018, Lambda Delta Phi ["Applicant"] made application to the Saint Paul Planning Commission ["Commission"] under PED Zoning File No. 18-054553 for a conditional use permit ["CUP"] to increase the number of residents in a congregate living facility - a "sorority house" - from 17 to 25 as required under Legislative Code § 61.503, for its property commonly known as 1381 Cleveland Avenue North (PIN No. 202923410062) and legally described as Lot 5 and, ex. S. 1/5, Lot 6, Block 34, St. Anthony Park North; and

WHEREAS, on May 10, 2018, the Commission's Zoning Committee, pursuant to Leg. Code § 61.303, duly conducted a public hearing on the Applicant's request at which anyone present was given an opportunity to be heard; and

WHEREAS, after the public hearing and based upon all the records, testimony and the report of staff, the Zoning Committee on an 8-0 vote moved to recommend to the Commission at its May 18, 2018 meeting that the CUP be approved. However, as there had been no recommendation from the district council on this matter, the Zoning Committee also moved to leave open the public hearing for the limited purpose of affording the district council with an opportunity to submit its recommendation on the said CUP application until the close of business on May 14, 2018 and for the Applicant to respond to any recommendation that might be received from the district council; and

WHEREAS, on May 18, 2018, the Commission took up the matter of the Applicant's CUP application and upon a unanimous vote the Commission approved the CUP based upon the following reasons as set forth in Planning Commission Resolution 18-30 which is also included herein by reference:

"1. The applicant is expanding an existing sorority, Lambda Delta Phi, which currently houses 17 residents. The expansion will allow for an additional eight members, for a total of 25 residents. An increase in the number of residents in a congregate living facility is a change requiring a new conditional use permit under § 61.503(f). A sorority is a congregate living facility.

2. § 65.156 lists three standards that sororities must satisfy:

i. In residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus fraternities and sororities. Lambda Delta Phi has applied for a conditional use permit for this off-campus sorority.

ii. The use must be within two hundred fifty (250) feet of the campus boundary as established in the conditional use permit for the institution it serves. In RL-R4 residential districts, the use shall be on the campus. This condition is met. The use is 66 feet from the University of Minnesota campus boundary.

iii. If it is outside of the campus boundary, the use must be located in an existing structure designed and built as a one-or two-family dwelling or new structure that meets the height, density and setback requirements for a two-family dwelling. This condition is met. This structure meets the dimensional standards for a two-family dwelling.

3. § 62.501 lists five standards that all conditional uses must satisfy:

(a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The use is consistent with the following policies from the Comprehensive Plan:*

1.40 Promote the development of housing that provides choices for people of all ages, including singles and young couples, families, empty-nesters, and seniors.

1.42 Promote the development of housing in mixed-use neighborhoods that supports walking and the use of public transportation.

The use is consistent with the following policies from the *District 12 St. Anthony Park Community Plan*:

Range of Housing Choices. *Increase the range of housing types and affordability within the District to encourage a greater diversity of households and to be an affordable community for all people throughout their life and changing lifestyle needs.*

(b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The sorority will continue to use the existing access from the alley.*

(c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The sorority has been at this location since 1979 and therefore is part of the existing character of the neighborhood.*

(d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. This application is linked to reinvestment to an existing use and will contribute to the improvement of the surrounding area.*

(e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The use meets all other known applicable regulations.”*

WHEREAS, further, the Commission imposed the following condition on the CUP: “Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application” as also set forth in Planning Commission Resolution 18-30; and

WHEREAS, on May 29, 2018, David Burke (“Appellant”), residing at 1384 Raymond Avenue, filed an appeal from the Commission’s May 18, 2018 decision pursuant to Leg. Code § 61.702(a) under PED Zoning File 18-067994 and requested a public hearing before the City Council for the purposes of considering the actions taken by the Commission under Resolution No. 18-30; and

WHEREAS, on June 20, 2018, pursuant to Legislative Code § 61.702(b) the City Council, upon notice to affected parties, duly conducted a public hearing on Appellant’s appeal where all interested parties were given an opportunity to be heard; and

WHEREAS, the Council, having heard the statements made and having considered the application, the report of staff, the record, minutes and recommendation of the Zoning Committee and the Commission’s resolution and all the records and testimony presented to the council at the public hearing, does hereby;

RESOLVE, that the Council of the City of Saint Paul affirms the Planning Commission’s decision in Commission Resolution 18-30 granting the Applicant’s CUP application. The Council finds that the has Appellant has failed to show that the Commission erred in its facts and findings supporting its decision to approve the Applicant’s CUP as set forth in Commission Resolution No. 18-30. Accordingly, the Council hereby adopts the facts and findings in Commission Resolution NO. 18-30 as its own in support of this decision; and

BE IT FURTHER RESOLVED, that the Council, for the reasons noted above hereby denies the Appellant’s

appeal in this matter; and be it

BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to the Applicant [Lambda Delta Phi], the Appellant [Mr. Burke], the Zoning Administrator and the Planning Commission.