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Title: Memorializing City Council action denying the appeal of Tammy and Mike Thomas of a decision by the Planning Commission to approve an apartment building site plan at 2124-2130 Grand Avenue.

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Memorializing City Council action denying the appeal of Tammy and Mike Thomas of a decision by the Planning Commission to approve an apartment building site plan at 2124-2130 Grand Avenue.

WHEREAS, Graham Merry, d/b/a Cullen LLC, under PED Zoning File No. 12-037-383 and pursuant to Leg Code § 61.402, submitted a site plan application for review to the Saint Paul Planning Commission ("Commission") for the purpose of constructing a new apartment building on property commonly known as 2124 - 2130 Grand Ave and legally described as Summit Wood, Lots 31-33; and

WHEREAS, on April 26, 2012, the Commission's Zoning Committee ("Committee"), pursuant to Leg. Code § 61.303, duly conducted a public hearing at which all persons present were given an opportunity to be heard, and, following a staff report which recommended approval of the application and taking testimony both from those in favor of the application and those opposed to the application, the Committee continued the matter to May 10, 2012 for the purpose of obtaining additional information regarding: parking and traffic issues, stormwater issues, the Macalester-Groveland Small Area Plan and the height calculation for the proposed building; and

WHEREAS, on May 10, 2012, the Committee again considered the matter of the said application by receiving an updated staff report still recommending approval of the application and additional testimony both from those in favor of the application and those opposed to the application; and,

WHEREAS, upon closing the May 10, 2012 public hearing, the Committee moved to recommend denial of the application for those reasons stated in the Minutes of the Zoning Committee as set forth on page 4 of the on the date noted above and that the said minutes are herein incorporated by reference; and

WHEREAS, on May 18, 2012, the Commission, based upon all the files, records, testimony, and the recommendation of its Committee, duly considered the said site plan application; and,

WHEREAS, at the conclusion of the Commission's deliberations regarding the merits of the application, moved to approve the site plan application based upon the following findings pursuant to Leg. Code § 61.402(c), as set forth in Commission Resolution No. 12-32, which is incorporated herein by reference:

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The comprehensive plan calls for increasing residential density and providing a variety of housing options.

The Land Use Chapter of the Comprehensive Plan:

- Maps in the Plan show this site in an area along Grand Avenue designated as a Residential Corridor and says "Policies in this strategy direct new, higher density development to Downtown, the Central Corridor, Neighborhood Centers, Residential and Mixed-Use Corridors." Page 8
- "The core goal of Strategy LU-1 ... is higher density development. Higher density means that new residential, commercial and industrial development will be at densities greater than currently found in the community (e.g. ... small apartment buildings, larger scale multi-family apartments and condominiums where there is now small scale housing....)" Page 7
- "Existing zoning standards, as well as new zoning standards and districts, will be used ... to allow higher density in ... Residential ... Corridors." Page 8
- The Plan talks about goals for densities
 - "The range of densities permitted by the existing RM districts is 22 units to 54 units per acre. Several multi-family residential developments constructed in the past decade far exceed those densities. Densities of individual projects ranged from 40 units per acre to 90 units per acre. Similar densities in Residential Corridors ... will go far to achieving the objective of compact, mixed use development that supports transit." Page 8
 - Provide for development of housing in Established Neighborhoods, Residential Corridors and adjacent commercial areas consistent with the prevailing character and overall densities of these areas. The density goals are residential development of 4-30 acres per acre in Residential Corridors...."
 - In comparison, this project has a density of 48 units per acre (based on a lot size of 18,000 square feet) or a density of 29 units per acre (if half the alley and the bonus for underground parking are included in the lot area).

The Housing Chapter of the Comprehensive Plan:

"Greater housing density will be the hallmark of the next 20-30 years. This density should be geographically focused on transit and commercial corridors...."

Macalester Groveland Plan

The plan says "Maintain the single family character of the district" but also says "Diversify housing to meet the needs of all income levels and lifestyles...." It does not suggest limiting apartment buildings in areas zoned for apartment buildings. It also says "The community believes that surface parking lots are unattractive but that the parking requirements should not be relaxed until viable transit alternatives are in place." The proposed underground parking is consistent with this.

2. *Applicable ordinances of the City of Saint Paul.*

The site plan meets all applicable ordinances including zoning standards for density, building height, setbacks, lot coverage and parking. These standards are reviewed in more detail in Attachment A. *[Drafter's Note: Attachment A is excluded from this Resolution for brevity. However, Attachment A, as a part of Planning Commission Resolution No. 12 -32, is made a part of this Resolution through the Council's incorporation and adoption of Resolution 12-32 by reference.]*

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and*

environmentally sensitive areas.

The plan does not impair any unique geologic or geographic characteristics. The site is a half block from the West Summit Avenue Historic District but it is not located in the District. Some other sites in the area have a "perched water table" and the engineering for the basement level will have to respond to this if the site is determined to have a perched water table.

4. Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.

The site plan is consistent with this subject to submission of additional information about construction staging, and approval by DSI staff of a plan for staging equipment and materials during construction. The site will be completely excavated for the basement and a so plan is needed to show how construction materials, equipment, vehicles will be stored so they do not unreasonably interfere with the adjacent neighbors.

Stormwater from the site will be directed to the City sewer system and will not drain to adjacent properties. A row of evergreen shrubs is shown along the west property line to act as a buffer for the residential property to the west. The main entrance is located near the corner of Grand and Finn to keep it away from adjacent property.

5. The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.

The building will be set back at least 25 feet from adjacent properties. To limit outside parties or other activities by residents that could create problems, the site does not have an outdoor gathering spot: the green roof will have a fence around it to keep people off of it. One additional step that should be taken to reduce the impact of the project is to relocate some of the windows on the south side of the building to the east side so that they face Finn and not the property across the alley.

6. Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.

Providing higher density housing within walking distance of the St. Thomas campus will help to reduce the number of students who need to drive to school. The green roof over the underground parking level in the basement will reduce stormwater run off and help mitigate the urban heat island effect.

7. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.

The applicant provided a Traffic Impact Study for the project and it was reviewed by staff from the Traffic Section of Public Works. The number of car trips generated by the building and the location of the driveway are consistent with traffic safety.

The plan is also consistent with the safety and convenience of pedestrians and people riding bikes. To encourage pedestrians to cross Grand at the intersection, the pedestrian route from the public sidewalk to main entrance of the site plan was revised to add an access closer to the corner of Grand and Finn.

8. The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.

The site has adequate sewer availability and the site meets the City's requirements for stormwater management. Storm water will be directed to the public storm sewer and will not drain to adjacent properties. The green-roof proposed for the underground parking level will absorb stormwater and reduce the amount of run-off from the site. There are a few technical details that need to be worked out and this should be a condition of site plan approval.

9. Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.

- Landscaping. The ground level of the site will be a green roof for the underground parking. It will be

planted with perennials and ornamental grasses. Trees and shrubs will be planted around the edge of the site.

- Fences and walls. The site will have a low wall around parts of it, ranging in height from 0.5' to 2.5'. The site will have an ornamental fence around the green roof to keep people, including residents, from walking on it.
- Parking. The site plan shows 40 off-street parking spaces and this meets the minimum required number of parking spaces for an apartment building of this size.
- Permit parking. The site is in a permit parking area (near the University of St. Thomas) in which 4 vehicle and 2 visitor permits are normally allowed per household (up to 120 parking permits for the proposed 20-unit building). In other cases where issuing so many permits for particular buildings could make it difficult for neighboring residents to park on the street the number of parking permits issued per household has been restricted. Such a restriction is a reasonable condition for approval of this site plan as well.
- Bicycle parking. College students, a primary market for the proposed building, tend to have greater than average bicycle use and ownership. Therefore, requiring the provision of additional bicycle parking is a reasonable condition of site plan approval.

10. Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.

The site plan provides a direct accessible route to the main entrance to the building and to the required ADA parking spaces in the basement.

11. Provision for erosion and sediment control as specified in the Ramsey Erosion Sediment and Control Handbook.

The site plan includes an erosion/sediment control plan. The entire site will be excavated for the basement and the material will be hauled away so erosion and sediment getting washed away from the site is not a major concern for this project.

WHEREAS, in addition to approving the site plan application, the Commission, pursuant to its authority under Leg. Code § 61.402(d), imposed additional conditions on the approved site plan as follows:

1. Parking permits for the building (located in a permit parking area near the University of St. Thomas) shall be limited to no more than one (1) permit for each unit and five (5) permits for general building use. The annual parking permit for each unit shall be issued only after certification by the building owner that at least two (2) underground motor vehicle parking spaces are leased to residents of the unit or that all of the underground parking spaces are leased.
2. At least one parking space shall be provided for shared vehicle parking, and at least one passenger automobile shall be provided and managed by an official car sharing provider for use by residents of the building, unless an official car sharing provider certifies that use of the car would not justify its provision at this location.
3. As many secure bicycle parking spaces shall be provided on site as determined to be practical by site plan review staff: at least 12 / up to 24 in the underground parking garage, and at least 12 / up to 36 in the patio area near the front door.
4. The windows for bedrooms in the southeast corner shall be located on the east building facade facing Finn and not on the south facade facing the alley.
5. Stormwater from the 4 foot landscaped strip along the west property line shall be controlled so that it does not drain to the adjacent property, either by installing drain tile or installing a small retaining wall to adjust the grade in this area.
6. A final plan for sewers and stormwater management must be approved by Public Works.

7. A plan for staging equipment and materials during construction must be approved by DSI staff.

WHEREAS, on May 23, 2012, under PED Zoning File No. 12-061272 and pursuant to the provisions of Leg. Code § 61.702(a), Graham Merry, d/b/a Cullen LLC, duly filed an appeal from the determination made by the Commission and requested a hearing before the City Council for the purpose of considering the actions taken by the said Commission; and

WHEREAS, on May 29, 2012, under PED Zoning File No. 12-061763 and pursuant to the provisions of Leg. Code § 61.702(a), Tammy and Mike Thomas duly filed an appeal from the determination made by the Commission and requested a hearing before the City Council for the purpose of considering the actions taken by the said Commission; and

WHEREAS, on June 20, 2012, pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, a public hearing was duly conducted by the City Council on the appeal of Tammy and Mike Thomas [PED Zoning File No. 12-061763] where all interested parties were given an opportunity to be heard, the Council having been informed prior to the start of its public hearings Graham Merry, d/b/a Cullen LLC [PED Zoning File No. 12-061272] had withdrawn its appeal; and

WHEREAS, the Council, having heard the statements made, and having considered the subject site plan application, the report of staff, all the records, minutes, submissions and testimony, as well as the recommendation of the Committee and the Commission's resolution, DOES HEREBY

RESOLVE, that the Council of the City of Saint Paul, pursuant to Leg. Code § 61.704, hereby affirms the decision of the Commission in this matter and finds that the Appellants in this matter failed to demonstrate that the Commission erred in its facts, findings, or procedures in approving the site plan submitted under PED Zoning File No. 12-037-383, as approved under Commission Resolution No. 12-32 and that the Council hereby adopts the findings under Commission Resolution No. 12-32 as its own in reaching this decision; and

BE IT FURTHER RESOLVED, that the appeal by Tammy and Mike Thomas [PED Zoning File No. 12-061763] is hereby denied for the reasons noted above; and

BE IT FURTHER RESOLVED, that the appeal by Graham Merry, d/b/a Cullen LLC [PED Zoning File No. 12-061272] is hereby stricken from the Council's agenda role based upon the withdrawal of the said appeal; and

BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to appellant's Tammy and Mike Thomas, former appellant Graham Merry d/b/a Cullen LLC, the Zoning Administrator and the Planning Commission.