Legislation Details (With Text)

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		In control:	City Council
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Title:	Memorializing the City Council's action of May 4, 2016 denying Nova Classical Academy's appeal of the Planning Administrator's administrative decision granting a minor modification to the Victoria Park Master Plan.		
Sponsors:	Rebecca Noecker		
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Date	Ver.	Action By	Action	Result
6/10/2016	1	Mayor's Office	Signed	
6/8/2016	1	City Council	Adopted	Pass

Memorializing the City Council's action of May 4, 2016 denying Nova Classical Academy's appeal of the Planning Administrator's administrative decision granting a minor modification to the Victoria Park Master Plan.

WHEREAS, on February 8, 2016, Chase Real Estate (“CRE”), pursuant to Leg. Code § 66.344(c) filed an application for a modification of the Victoria Park Master Plan (“VPMP”) for a parcel of land within the VPMP area located at the corner of Kay Avenue and Victoria Way on property located at 763 Kay Avenue, Parcel Identification Number (PIN) 142823210045, legally described as Victoria Park Lot 1 Blk 6; and

WHEREAS, CRE’s sought two modifications of the VPMP: that the building type designation for the subject parcel be changed from townhome to rental apartments (See, VPMP, plate 7) and that the maximum permitted building height for the subject parcel be changed from 40-feet to 49.6-feet (See, VPMP, plate 8); and

WHEREAS, Leg. Code § 66.344(c) allows for the modification of adopted master plans and specifies the process for master plan modification which is dictated by the scope of the proposed modification. Modification proposals deemed “minor” under Leg. Code § 66.344(c) (1) may be approved by the planning administrator. Modification proposals deemed “major” under Leg. Code § 66.344(c)(2), may be approved by the City Council after a review, public hearing, and recommendation from the Planning Commission; and

WHEREAS, the City’s Planning Administrator, reviewed CRE’s modification proposal and determined that each of CRE’s proposed modifications constituted a minor modification as defined under Leg. Code § 66.344 (c) (1) and that each modification was consistent with the core design and planning principles noted in the VPMP. In a letter dated February 18, 2016, the Planning Administrator informed CRE that its requests to modify the VPMP was approved; and

WHEREAS, Nova Classical Academy (“NCA”), on February 26, 2016 and pursuant to Leg. Code § 61.701(c), duly filed an administrative appeal from the Planning Administrator’s February 18, 2016 decision alleging that the Administrator’s approval of CRE’s modification requests were in error because CRE’s modifications constituted major modifications which could only be approved by the City Council under Leg. Code § 66.344(c) (2) and, further, that the modifications were not consistent with the core design and planning principles of the VPMP; and

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.

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