



Legislation Text

File #: RES 13-35, **Version:** 1

Memorializing City Council action taken on December 19, 2012 approving the Preliminary and Final Plat for Cappie Addition, and approving a variance of the parkland dedication fee in lieu of land.

WHEREAS, Cappie's Trucking Inc, in File No. 12-202-963, has submitted for City Council approval the attached preliminary and final plat for subdivision of property for Cappie Addition at 1384 Sylvan Street to create two (2) industrial parcels; and

WHEREAS, Cappie's Trucking, Inc. has also requested a variance of the parkland dedication fee in lieu of land, set by the formula in Sec. 69.511(c); and

WHEREAS, the appropriate City departments have reviewed the plat and found, subject to the recommended conditions, that it meets the requirements of Chapter 69 of the Zoning Code; and

WHEREAS, notice of a public hearing before the City Council was duly published in the official newspaper of the City and notices were mailed to each owner of affected property including all property situated within 350 feet of the subject property; and

WHEREAS, the City Council held a public hearing on the proposed plat on December 19, 2012, where all interested parties were given the opportunity to be heard, and the Council made the following findings of fact:

1. *All the applicable provisions of the Legislative Code are complied with.* City staff have reviewed the proposed plat and have determined that all applicable provisions of city codes are met.

2. *The proposed subdivision will not be detrimental to the present and potential surrounding land uses.* The proposed plat is consistent with the surrounding land uses, and will not be detrimental to present and future use of surrounding land.

3. *The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.* The area surrounding the proposed plat is already developed and compatible with the proposed plat.

4. *The subdivision is in conformance with the comprehensive plan.* The subdivision is in conformance with the Land Use chapter of the comprehensive plan, which calls for providing land for jobs, particularly in identified employment centers such as areas of industrially zoned land (Policy LU2). It is also in conformance with redevelopment plans for the area.

5. *The subdivision preserves and incorporates the site's important existing natural features whenever possible.* The site is in a fully-developed part of St. Paul with no remaining natural features.

6. *All land intended for building sites can be used safely without endangering residents by peril from floods, erosion, continuously high water table, severe soil conditions or other menace.* The site is a flat, fully developed area with no flooding, erosion, high water table or soil condition problems.

7. *The subdivision can be economically served with public facilities and services.* The subdivision can be economically served with public facilities and services from surrounding streets.

PARKLAND DEDICATION: §69.511 requires dedication of two (2) percent of the total land area of the plat for public use for parks, playgrounds, trails, open space, or conservation purposes. At the discretion of the City Council, a cash dedication in lieu of land may be paid prior to the city clerk's signing of the final plat.

1. For this subdivision, staff recommends a cash dedication in the amount of \$6,360.00 in lieu of dedication of land.

2. The applicant has requested a variance of the parkland dedication requirement. The variance requested would eliminate the cash dedication in lieu of land requirement for the proposed subdivision.

FINDINGS FOR VARIANCE: Sec. 69.703 provides for City Council approval of a variance of the subdivision regulations:

(a) *Required findings. The city council may grant a variance to the subdivision regulations when compliance*

would create an unusual hardship to the development of the land based on findings that:

(1) *The intent of this chapter is met. This finding is satisfied. The intent of the subdivision regulations (Chapter 69.102 of the Zoning Code) includes: (1) to protect and promote the public health, safety and general welfare; and (4) To provide adequate public services and facilities.* The parkland dedication requirements are intended to promote the public health and welfare and to provide adequate public park facilities through dedication of land for public use for parks, playgrounds, trails, open space, or conservation purposes (or a fee in lieu of land to be used for the acquisition and development or improvement of such land), on a one-time basis, with the amount of the fee or dedication roughly proportionate to the need for parkland created by the proposed subdivision or development.

The area of the plat is already developed. The new plat is required by City code in order to split and sell Lot 2. Use of the entirety of the plat will be unchanged. It remains an industrial use and is fully developed and is unlikely to generate demand for parks or open space. Thus there is no need for parkland created by this subdivision.

(2) *The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.* This finding is satisfied. The requested variance of the parkland dedication fee in lieu of land at the time of platting, from \$6,360.00 to \$0.00, would not be detrimental to the public health and welfare because as noted in finding (1) above, the use does not change and the land is fully developed. The variance would not be injurious to other property in the area.

(3) *The conditions upon which the request for the variance is based are unique to the property for which the variance is sought and are generally not applicable to other property.* This finding is satisfied. The new plat is required by City code to permit the sale of Lot 2. Use of the entirety of the platted area will remain unchanged. As noted in finding (1) above, the use does not change and the land is fully developed.

(4) *The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.* This finding is satisfied. The same development could take place on other properties in the same zoning district without the parkland dedication at the time of platting required in this case.

(5) *The special conditions and circumstances do not result from the actions of the applicant.* This finding is satisfied. The special conditions and circumstances relating to the previously developed land that will remain unchanged by the proposed subdivision do not result from the actions of the applicant.

(6) *Because of the particular natural surroundings, shape or topographical conditions of the specific property involved, unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.* This finding does not apply to this variance.

(b) *Conditions of variance. The city council may require conditions for approving a variance that will substantially achieve the intent and requirements of these regulations.* No conditions for the variance are needed.

NOW, THEREFORE, BE IT RESOLVED, that the City Council accepts and approves the attached preliminary and final plat for Cappie Addition, subject to the following condition:

1. The applicant shall file a copy of the council resolution approving the final plat with the Ramsey County Recorder's Office.

AND BE IT FURTHER RESOLVED, that the City Clerk shall mail a copy of this resolution to the applicant, the zoning administrator, and the planning administrator.