



Legislation Text

File #: RES 15-448, **Version:** 1

Memorializing City Council action taken on February 18, 2015 denying the appeal of Dudley Younkin, et al. of a Planning Commission decision to approve a conditional use permit for a new multi-family residential development at 720 Seventh Street East between Maple and Bates.

WHEREAS, St. Paul Leased Housing Associates IV LLP ("LHA IV"), in PED Zoning File No. 14-352705, made application under the provisions of Leg. Code § 66.331, n.(f) for a conditional use permit to construct a 45-foot tall building on property commonly known as 720 7th St E, [PIN: 32.29.22.13.0256 and 32.29.22.13.0028-0034] with the following legal description proposed by the applicant: "Lots 1 - 5, AUDITOR'S SUBDIVISION No. 19, according to the recorded plat thereof, Ramsey County, Minnesota, except the northwesterly 14.00 feet thereof; and lots 12 - 15, AUDITOR'S SUBDIVISION, no. 72, according to the recorded plat thereof, Ramsey County, MN and part of lots 10 and 11, said AUDITOR'S SUBDIVISION. No. 72 lying southwesterly of a line described as commencing at the most northerly corner of Lot 5, said AUDITOR's SUBDIVISION No. 72, a distance of 195.00 feet to the point of beginning of the line to be described; thence South 34 degrees 28 minutes 00 seconds East 210.40 feet to the southeasterly line of said Lot 11 and said line there terminating;" and

WHEREAS, on January 8, 2015, the Planning Commission's Zoning Committee, pursuant to Leg. Code § 61.303, duly conducted a public hearing on LHA IV's application at which all persons interested were given an opportunity to be heard and, following the close of the hearing, the Committee, based upon the report of staff and all the records and testimony produced at the public hearing, duly moved to recommend to the Commission approval of LHA IV's permit application with conditions; and

WHEREAS, on January 16, 2015, the Planning Commission, based upon all the evidence in the matter, as substantially reflected in the record and minutes and upon the recommendation of the Zoning Committee, duly moved to approve LHA IV's application subject to specific conditions, based upon the following findings of fact as set forth in Planning Commission Resolution No. 15-03 dated January 16, 2015 as follows:

"(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 can be met. The Comprehensive Plan's Land Use Plan (2010) supports a compatible mix of land uses in traditional neighborhood zoning districts (Policy 5.2.1). The Land Use Plan designates East 7th Street as a mixed use corridor and also designates this site as an "opportunity site" (Policy 1.54, Figure LU-B). This site is zoned T2. The Near East Side Road Map (2013) designates this site as a "redevelopment opportunity for housing, mixed use, or small commercial-industrial" (Figure 3). The proposed multi-family structure, in conjunction with the natural foods grocery store on the adjacent parcel, constitutes a mix of uses consistent with this designation. The East 7th Street Design Guidelines establish guidelines, supplemental to City ordinances, to facilitate the growth of high quality, long-lasting places. The proposed use, and design elements of the building are consistent with these Guidelines. However, the proposed design is not entirely consistent with the design guidelines of the Dayton's Bluff Heritage Preservation District. The Heritage Preservation Commission took action December 18, 2014 to conditionally approve the application for building permits to construct this project subject to conditions listed in that decision.

(b) The use will provide adequate ingress and egress to minimize traffic congestion in the public Streets. This condition is met. Access to both surface and garage parking lots is approximately at least 110 feet from the

nearest intersection. City standard is no less than 60 feet. In order to facilitate site movement the adjacent uses/structures will share access to parking behind the site to facilitate truck and general traffic.

(c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood, nor endanger the public health, safety and general welfare.* This condition is met. The surrounding neighborhood, especially the East 7th Street corridor is characterized by a mix of residential and commercial uses, including cafés, automotive retail, a university campus, fast food restaurants, and other commercial services. A senior apartment complex is consistent with, and complements, this mix of uses.

(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. As noted above, an apartment use is appropriate for the site. Moreover, the proposed apartment development is part of a two-phase development of adjacent parcels, including the natural foods grocery store. Thus, the proposed apartment development is envisioned as part of the normal and orderly development and improvement of surrounding property.

(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."

AND, WHEREAS, as noted above, the Commission, based upon the all the records imposed the following conditions on the permit, also as set forth in Planning Commission Resolution No. 15-03:

"1. 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. Changes to the plan required by the Heritage Preservation Commission through a separate approval process are to be considered in substantial compliance with the plans submitted with this application.

2. All conditions listed in the conditional approval of the Heritage Preservation Commission at the December 18, 2014 public hearing, and further identified in the letter dated December 19, 2014, must be met, and are incorporated by reference."

AND, WHEREAS, on January 26, 2015, pursuant to the provisions of Leg. Code § 61.702(a), Dudley Younkin et. al., duly filed an appeal from the Planning Commission's determination under PED Zoning File No. 15-006111 and requested a hearing before the City Council for the purpose of considering the Commission's approval of LHA IV's permit application; and

WHEREAS, on February 18, 2015, pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, the City Council duly conducted a public hearing on the said appeal where all interested parties were given an opportunity to be heard; and

WHEREAS, the Council, after closing the public hearing and having heard the statements made and having considered the application, the report of staff, the record, minutes, the recommendation of the Zoning Committee and the Commission's Resolution, does hereby

RESOLVE, that the Council of the City of Saint Paul hereby affirms the decision of the Planning Commission in this matter, based on the following findings of the Council:

1. The Council finds that Appellants have failed to meet their burden of showing any error in the Planning Commission's findings required under Leg. Code § 61.501 to approve a conditional use permit to increase the

maximum height of LHA IV's proposed building to 45 feet.

AND, BE IT FURTHER RESOLVED, in reaching this determination, that the Council hereby adopts in support of this decision, the facts and findings set forth in Planning Commission Resolution No. 15-03 as its own; and

AND, BE IT FURTHER RESOLVED, that the appeal of Dudley Younkin et. al., is hereby denied; and,

BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to the permit applicant St. Paul Leased Housing Associates IV LLP, to the appellant's in c/o Dudley Younkin, et. al., the Zoning Administrator and the Planning Commission.