



Legislation Text

File #: RES 18-779, **Version:** 1

Requesting the Planning Commission rescind its approval of a CUP as approved under Commission zoning file NO. 18-024-155.

WHEREAS, on February 23, 2018, the Saint Paul Planning Commission ("Commission"), by its Resolution No. 18-08, duly approved a conditional use permit ("CUP") application submitted by Superior LLC under zoning file No. 18-024-155 for a proposed mixed residential/commercial use (64 residential dwelling units proposed) for property commonly known as 2103 Wabash Avenue; and

WHEREAS, on March 5, 2018, American Consulting Services, Inc., d/b/a American Engineering Testing, Inc. ("Appellant"), pursuant to Leg. Code § 61.702(a) and under zoning file No. 18-035-066, filed an appeal from the Commission's February 23, 2018 decision and requested a hearing before the City Council; and

WHEREAS, on April 4, 2018, pursuant to Leg. Code § 61.702(b) the City Council duly conducted a public hearing on the said appeal where all interested parties were afforded the opportunity to be heard; and

WHEREAS, upon closing the public hearing and following discussions on the matter, the City Council determined to continue any final action on the said appeal to May 2, 2018; and

WHEREAS, by letter dated May 1, 2018, of which a true and correct copy is attached hereto and shall become a part hereof, RC Enterprises, on behalf of Superior LLC, informed Commission staff that Superior LLC had withdrawn its intent to develop 2103 Wabash Avenue with the mixed residential/commercial development approved by the Commission under Commission Resolution No. 18-08; and

WHEREAS, in light of Superior LLC's May 2, 2018 statement that it will not develop 2103 Wabash pursuant to the Conditional Use Permit granted under Commission Resolution No. 18-08, upon the advice of the City Attorney's Office, the Council hereby finds that it is no longer necessary to render a decision regarding Appellant's appeal in this matter as Superior LLC, essentially renders moot the Appellant's appeal; NOW,

THEREFORE, BE IT RESOLVED, that the Council of the City of Saint Paul hereby finds, upon the May 1, 2018 statements made on behalf of Superior LLC that it will not pursue any development at 2103 Wabash made possible by the Commission's February 23, 2018 decision as set forth in Commission Resolution No. 18-08, that the appeal by American Consulting Services, Inc., d/b/a American Engineering Testing, Inc. of the Commission's February 23, 2018 decision is hereby moot and, further, the Council hereby strikes the said appeal from its calendar; AND

BE IT FINALLY RESOLVED, that the Council requests the Planning Commission to formally rescind its approval of a CUP for a 64-unit mixed residential/commercial use, as approved under Commission zoning file No. 18-024-155, in light of the statements made by RC Enterprises on behalf of Superior LLC that Superior LLC had withdrawn its intent to develop 2103 Wabash pursuant to the CUP granted under Commission Resolution No. 18-08.