

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, May Xiong and Hlee Xiong Moua, File # 16-103-701, have applied for a rezoning from R2 one family residential to RM2 multiple family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1475 Ames Ave, Parcel Identification Numbers (PINs) 272922240009, 272922240010, and 272922240011, legally described as Lots 7-9, Block 1, Ames Out Lots; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 22, 2016, and January 19, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following finding of fact:

1. The proposed multiple-family zoning, with no certainty about the project that will be developed under it, may be inconsistent with the way the area has developed with single-family homes along this relatively narrow dead-end section of Ames Avenue.
2. There is too much ambiguity about potential wetlands and access issues to clearly determine that the proposed rezoning is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of May Xiong and Hlee Xiong Moua for a rezoning from R2 one family residential to RM2 multiple family residential for property at 1475 Ames Ave be denied.

moved by _____
seconded by _____
in favor _____
against _____

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WHEREAS, May Xiong and Hlee Xiong Moua, File # 16-103-741, have applied for a conditional use permit for a 40-unit assisted living and memory care facility under the provisions of § 61.501 and § 65.151 of the Saint Paul Legislative Code, on property located at 1475 Ames Ave, Parcel Identification Numbers (PINs) 272922240009, 272922240010, and 272922240011, legally described as Lots 7-9, Block 1, Ames Out Lots; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 22, 2016, and January 19, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests conditional use permit approval to allow a 40-unit adult care home (assisted living and memory care) to be constructed on the subject site.
2. An accompanying application requests rezoning from R2 to RM2. The rezoning application must be approved to allow the subject application to be considered. However, the rezoning application has been recommended for denial by the Planning Commission.
3. §61.501 lists five standards that all conditional uses must satisfy:
 - (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 finding is not met. There is too much ambiguity about potential wetlands and access issues to clearly determine that the proposed use is consistent with the Comprehensive Plan.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is not met. There is too much ambiguity about access issues to determine that this condition can be met.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is not met. There is too much ambiguity about potential wetlands and access issues to determine that this condition can be met.
 - (d) *The use will not impede the normal and orderly development and improvement of*

moved by _____

seconded by _____

in favor _____

against _____

the surrounding property for uses permitted in the district. This condition is met. The use does not impede any adjacent development or improvement.

- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition would be met if the rezoning to RM2 requested by the applicant is approved. However, the Planning Commission has recommended denial of rezoning the property to RM2.*
4. §65.151 lists five standards and conditions required for adult care homes:
- (a) *In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room in excess of four (4) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses. This condition is met. The minimum lot size is 41,000 square feet, whereas 90,604 square feet is the size of the subject site.*
 - (b) *In traditional neighborhood development districts, a facility located within a predominantly residential or mixed use area shall have direct access to a collector or higher classification street. This condition is met. The property is not located in a traditional neighborhood district.*
 - (c) *In traditional neighborhood development districts, the site shall contain a minimum of 150 square feet of outdoor community space per resident, consisting of seating areas, yards and/or gardens. Public parks or plazas within 300 feet of the site may be used to meet this requirement. This condition is met. The property is not located in a traditional neighborhood district.*
 - (d) *In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2-RM1 residential, T1 traditional neighborhood and OS-B2 business districts, the facility shall serve 16 or fewer facility residents. This condition would be met if the proposed rezoning to RM2 is approved. However, the Planning Commission has recommended denial of rezoning to RM2.*
 - (e) *In residential and T1 traditional neighborhood districts, a conditional use permit is required for facilities serving seven (7) or more facility residents. This condition is met by the subject application.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code and based on the findings above, that the application of May Xiong and Hlee Xiong Moua for a conditional use permit for a 40-unit assisted living and memory care facility at 1475 Ames Ave is hereby denied.

DISTRICT 2 COMMUNITY COUNCIL

SERVING THE NEIGHBORHOODS OF NORTHEASTERN SAINT PAUL

PROSPERITY HEIGHTS ♦ BEAVER LAKE HEIGHTS
PHALEN VILLAGE ♦ LINCOLN PARK
PARKWAY ♦ HAYDEN HEIGHTS
EAST PHALEN ♦ HAZEL PARK
FROST LAKE ♦ HILLCREST

City of Saint Paul
Zoning Committee
City Hall, 15 W Kellogg
Saint Paul, MN

Dear Committee Members,

At the January 18, 2017 board meeting of the District 2 Community Council, the Board of Directors reconsidered and rescinded its support for the proposed rezoning of property at 1475 Ames Avenue.

The Board is extremely supportive of developing Hmong Senior care in District 2 and has great confidence in this service provider to provide quality care, but the issues that the neighbors brought up about the rezoning swayed the board's decision to rescind.

First and foremost, the rezoning occurs without the guaranty that the project will be completed as Senior Care. The process and costs of the project makes the rezoning the first step in the redevelopment process, that may cause the developer to decide not to develop the site as senior housing. The applicant is not going to invest in soils samples or borings if the property isn't zoned correctly and the neighbors believe that it is the poor soil that has kept the land from being developed. Also, at the hearing the applicant raised the concern that if the site plan required access from the north to the site that those costs may make the development too costly causing them to, "walk away from the project." That unfortunate outcome could leave the neighbors with high density residential zoning that could be an apartment complex which may be able to build enough mass to get a return on investment after the soil corrections.

With so many questions about the rezoning and no assurance that those issues wouldn't create considerable problems in the future for the neighborhood the District 2 Board removes its recommendation for the proposed rezoning.

If the Planning Commission moves ahead with the rezoning District 2 further would support the neighbors' position that access needs to be from Magnolia via Barclay to reduce neighborhood traffic on Ames Avenue, which is only a 30 foot wide street.

If the Planning Commission denies the rezoning, District 2 will encourage our HRA commissioner to work with the applicant on a land swap with the developer between the HRA owned vacant land on Magnolia and the privately owned land on Ames. The Magnolia site would be perfect for the applicants' needs and the HRA has been sitting on the land for over ten years.

Chuck Repke
Executive Director

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