# **ZONING COMMITTEE STAFF REPORT**

1. FILE NAME: Hee and May Xiong

FILE #: 16-103-701

2. APPLICANT: May Xiong/Hlee Xiong Moua

**HEARING DATE:** December 22, 2016

3. TYPE OF APPLICATION: Rezoning

4. LOCATION: 1475 Ames Ave, NE corner, Barclay and Ames

5. **PINS & LEGAL DESCRIPTIONS:** 272922240009, 272922240010, & 272922240011; Lots 7-9, Block 1, Ames Out Lots

6. PLANNING DISTRICT: 2

**EXISTING ZONING: R2** 

7. **ZONING CODE REFERENCE**: §61.801(b)

8. STAFF REPORT DATE: December 15, 2016; January 12, 2017

BY: Bill Dermody

9. DATE RECEIVED: December 2, 2016 60-DAY DEADLINE FOR ACTION: January 31, 2017

A. PURPOSE: Rezone from R2 one family residential to RM2 multiple family residential.

B. PARCEL SIZE: 90,604 square feet

C. EXISTING LAND USE: Vacant

D. **SURROUNDING LAND USE:** Vacant to the northwest (R2/RM2); adult care home to the north (RM1); single-family residential to the east, west, and south (R2).

E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** The site has been zoned R2 since 1975. There is no recent zoning history for the site.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 2 Council verbally conveyed a recommendation of approval at the December 22, 2016 Zoning Committee public hearing.

#### H. FINDINGS:

- 1. The application requests rezoning from R2 to RM2.
- 2. An accompanying, but separate application requests a conditional use permit for an adult care home on the site.
- 3. The proposed zoning is consistent with the way this area has developed, which has involved residential uses including an adult care home and multi-family development to the north.
- 4. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan's Land Use Chapter designates the adjacent Phalen Village as a Neighborhood Center in Figure LU-H, Generalized 2030 Land Uses, and the area around the subject site as an Established Neighborhood. The Comprehensive Plan's Housing Chapter Strategy H1.1 states: "Increase housing choices across the city to support economically diverse neighborhoods." Though there is a major concentration of apartment housing to the north, the rezoning allows for a senior living option that is in shorter supply. Also, the broader neighborhood is largely single-family. Finally, the proposed rezoning is consistent with Strategy H1.3: "Revitalize the city by developing land-efficient housing," which calls for adding density near neighborhood centers such as Phalen Village (located just to the northwest).

- 5. The proposed zoning is compatible with the surrounding residential uses, including those zoned RM1 and RM2 to the north.
- 6. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property." The proposed RM2 zoning would not represent "spot zoning." It is not inconsistent with the surrounding uses, including those zoned RM1 and RM2 to the north.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R2 one family residential to RM2 multiple family residential.

# PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development Zoning Section 1400 City Hall Annex 25 West Fourth Street Saint Paul, MN 55102-1634

Zoning Office Use Only File #: 16-103701 Fee: [700.00 Tentative Hearing Date:

A	p	p	1	C	A	M	T

PROPERTY LOCATION

Notary Public

(651) 26	6-6589 9008		27	-29-2	2-24-	0009
PPLICANT	City Rachester  Contact Person Cy	20th St.  State MN	1. Com	Pho	ne <u>657</u>	316-882 = 208-1983
ROPERTY OCATION		Ames Alle. SEE Attacked	Current Zon		Ames R2	& Barolay
Pursuant to Sain owner(s) of land	I proposed for rezoning	CITY COUNCIL:  ce § 61.801 and Minnesc  , hereby petition(s) to rez  g district to a	one the above	described	property fro	om a
(Attach additional s	heets if necessary.)					
Date WWCM	required: Site Poster Poster Poster Poster Poster Poster Poster Poster Public Poster Poster Public Poster Public Poster P	ELIZABETH AN	USTRUCKMANN & C-Minnesota & Control of the Control	Ву:	Hle, Fee owner o	
	d sworn to before me	NOV 3 0	2016			of property

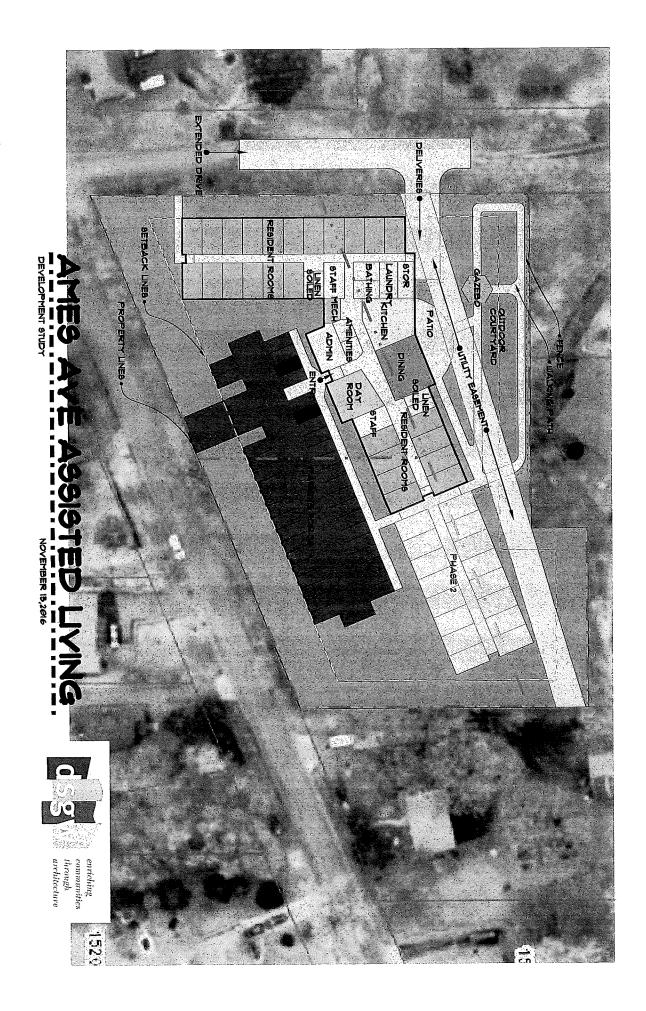
PETITION TO AMEND THE ZONING CODE Department of Planning and Economic Development Zoning Section 1400 City Hall Annex 25 West Fourth Street Saint Paul, MN 55102-1634 (651) 266-6589

Zoning Office Use Only	1
File #:	_
Fee:	<del>-</del> -
*	

• *			
APPLICANT	Property Owner(s)	at lans 1) 1)	
MELFIONIAL	Address 7140 F178	Thorn 103.	action = 1715 575-9125
	city WauSau	State U Zip Zip	54401 Phone (715) 575-9125 Phone (651) 268-1985
÷	Contact Person Cy	Thao	Phone (431) 80 8 3 9
	- 11		least 67% of the area of the property to be rezoned.)
*		1 110	Cair a Amaribanda
PROPERTY	Address/Location O	Amos AVE	CEOTHER OF AMES + Barela
LOCATION	Legal Description 1. \$150 of Sd Rd Of Lot 8	DF FOUR TO AMOS BARELOF LOT 9 BILLI Curren	Ave. Of Fol; EXW 70-275 Ft As Macs
,	(Attach additional sheet if necess		
	proposed for rezoning, here zoning distri	lucional to company the s	s § 462.357,, above described property from a zoning district, for the purpose of:
Attachments as	required: Site Plan	☐ Consent Petition ☐	Affidavit
	I sworn to before me	*	By: Marximex
	per 28, 2016		Fee owner of property  Title:
Nota	ry Public	Add I am	
	d sworn to before me	NOV 3 0 2016	By: Fee owner of property
Date	20	The second secon	Title:
Nota	ary Public	in many	5/3/2016

Legal Description: 2) SISO Ft. Par To Ames Ave of Foli Lot 7 & The w 70.275 ft as Meas on NI of Sd Rd of 3) EXSISO ft Par To Ames Ave 7,8 & lot 9 BH

AUS CE VING





#### 12/19/2016

To: District #2 – Community Council.

St. Paul, MN Planning Commission Zoning Committee

In Regards to: File # 16-103-701 and 16-103-741

1475 Ames Avenue, St. Paul, MN 55106

To Whom It May Concern,

My name is Xeng Chang (Address: 1456 Ames Avenue, St. Paul, MN 55106). I am sending this letter in regards to a hearing that was schedule for Thursday, December 22, 2016, in regards to the file above. Due to some medical and personal circumstances during the afternoons, I will not be able to attend the hearing. Although I will not be able to attend the hearing, I would like my voice and suggestions be heard.

### Disagreed with Plan If Only:

#### Agreed with Plan If Only:

- 1. The zone is too small to build on.
- 2. The area was not a commercial zone.
- 3. It will bring the value of our homes down.
- 4. Traffic will be horrible because of the dead-end road.
- 5. It will attract unwanted noises and problems within our peaceful/quiet street.
- 1. Ames street must open through the Northeast side.
- 2. Mechanic Street must go through Barclay Ave. and Barclay must go through Magnolia.
- 3. I prefer to go with single family homes only.

Xeng Chang

Phone: (651) 955-7989

My Address: 1456 Ames Avenue, St. Paul, MN 55106

Ze fle#16-103-701 16-103-741

December 19, 2016

City of Saint Paul Planning & Economic Development 1400 City Hall Annex 25 west Fourth Street Saint Paul, MN 55120

Ref: Proposed Rezoning of Ames Ave from R2 to an RM2

Dear City Council Members and Zoning Committee:

I have to strongly state I am against this proposed rezoning. For over 40 years the stated propety that you listed as 1475 Ames Ave has been void of any structure or human inhabitants. At present it is a habitat for wildlife. Numerous species of song birds, common crow, deer, wild turkeys, rabbits, squirrels and feral cats have had this area as their domain. Also frequently spotted on that section of land, fox, raccoons, owls, and an eagle.

Now on this quiet residental street you are proposing to have a multicare facility and all that goes along with that change. A 40 unit facility, done in two stages would clog the area with needless construction and debris for years. Plus forcing wildlife to find other refuge.

A 40 unit facility does not constitute 40 individuals. This multicare facility would encompass needing staff, ie onsite manager, kitchen, medical, maintance, cleaning, security, reception and admittance. Numerous deliveries, pickups and drop offs. Parking for the staff and visitors would add to the congestion on Ames.

Has anyone addressed this added congestion and road maintenance? I would imagine at some point the residents of Ames would be accessed to compensate for this mutlicare unit facilty. Would Ames Ave, which has been a no thoroughfare at Hazelwood Street since the early 1960's be changed to a through street? Bringing with it a myriad of problems, eg widening the street, sidewalks, added congestion. Would more residents property be encroached upon?

Ramsey County, through reseach has stated the corner of Ames Ave and Johnson Pkwy does not warrant a stoplight traffic stop. Would one now be mandatory with the construction and added traffic this multicare facility would create? This would impact the flow of traffic off the Phalen Drive to the arteries on the east side.

Residents of Ames Ave would be greatly impacted and distrubed by this proposed re-zoning. The quality of life would drastically change. I wish this pair luck in other endeavors, but as for Ames Ave it would not be a good situation, for either the residents or wildlife that has called this home for many years.

On a final note, the city planners have invested many dollars and reseach into re-establishing the Ames Lake Area to establish and foster native habitat and species, I cannot understand wanting to rezone an area so close to this project. There are many underground streams and a wetland type of soil also to consider. Ames Ave as it now stands is more conducive to the mission statement of Ames Lake.

Sincerely,

Margaret Mudek (owner)

Margaret Muddle

1515 Ames Ames

St. Paul, MN 55106

651-717-5121

cc: Impacted Ames Residents/Owners

### **Englund, Cherie (CI-StPaul)**

From:

Bee Thao <dragonzz223@yahoo.com>

Sent:

Tuesday, December 20, 2016 2:43 PM

To:

Dermody, Bill (CI-StPaul)

Subject:

File # 16-103-701 and 16-103-741,.... R2 to RM2

**Attachments:** 

Bee Thao.docx

Dear Sir:

This is Bee Thao. I am a home owner at 1506 Ames Avenue right across the propose address of 1475 Ames Avenue. This is a nice quiet pleasant neighborhood to raise a family in. I believe most residents residing along side Ames Avenue would agree also. I would like to keep it this way therefore, I do not want to see this rezoning and development of this 40-unit assisted living and memory care facility across from my property.

Thanks for your time and consideration. Any questions please contact myself via email or at

Bee Thao 1506 Ames Avenue Saint Paul, MN 55106 telephone (651) 795-8606

Attached is a letter that I have sent to the City of Saint Paul Zoning Committee

Sincerely Yours,

Bee Thao

o.
Bee Thao
1506 Ames Avenue
Saint Paul, MN 55106 <u>Tel: (651)</u> 795- 8606
Tuesday, December 20, 2016
RE: File number 16-103-701 and 16-103-741 File Name: Hlee and May Xiong Property Address: 1475 Ames Avenue Rezone from R2 single family residential to RM2 multiple family residential and a conditional use permit for a 40 unit assisted living and memory care facility.
d
Dear sir or Madam and or Zoning Committee:
· · · · · · · · · · · · · · · · · · ·
I am a resident at 1506 Ames Avenue right across from the propose address of 1475 Ames Avenue. I am a proud home owner and have been a resident at this property since January of 2013. This is a nice quiet neighborhood. A pleasant neighborhood to raise a family. I do believe that many of the neighbors residing on Ames Avenue would agree with me on this. I would like to keep it this way, therefore I do not want to see the R2 of single family residential zone changed to RM2 of multiple family residential and a conditional use permit for a 40 unit living and memory care facility across from my property.
Thank you for your time and consideration. If there are any questions feel free to contact myself at the above address and telephone number.
Sincerely Yours,
4

Bee Thao

## **Englund, Cherie (CI-StPaul)**

From:

Pa Cha Yang <pachayang.pcy@gmail.com>

Sent:

Tuesday, December 20, 2016 9:27 PM

To: Subject: Dermody, Bill (CI-StPaul) Rezoning 1475 Ames Ave

To whom it may concern,

This email is in regards to a rezoning request of 1475 Ames Ave, NE corner of Barclay and Ames. My name is Pa Cha Yang, and I live at 1464 Ames Ave. I am writing to express some concerns that I have regarding the rezoning efforts to building a 40 unit assisted living and memory care facility.

One of my main concerns is that Ames Avenue is **very narrow**. It is not like the average street in Saint Paul. The majority of us on Ames Avenue do not have sidewalks, and there is a barricade at the end of the street. If there is parking on both sides of the street, it is hard enough as is to drive one vehicle through. My concern is that ambulances, firetrucks, and other emergency services will not be able to get through to the nursing home with increased traffic. One argument is that these trucks and cars can drive on the curb in cases of emergencies, however Ames Ave. residents have mailboxes on their curbs. Mail is delivered "mounted" and the letter carrier delivers mail in a truck.

I am also concerned that if Ames Avenue will serve as the main entrance to the facility and parking is not adequate, overflow parking and traffic could result in our mail not being delivered. If a car is parked in front of a mailbox, the letter carrier will not deliver the mail.

Because the majority of the residents on our street do not have sidewalks, many children walk in the street to and from their homes to get to the bus stops. Increasing traffic could be dangerous. There is a blind curve and hill on Ames Avenue between Barkley and Etna. A solution is to create sidewalks and widen the street. This will mean that residents on our street will have to pay for an assessment. I believe that the company or individuals who want the rezoning to change should be responsible for this.

There is a barricade at the end of our street. My understanding is that it is there because the street is so narrow and there is concern about emergency units' accessibility if the barricade was gone and there were many cars able to access Ames Ave.

A solution could be to leave Ames Avenue as is, and create access to the building not through Ames Avenue but through Barkley through to Magnolia Ave or Mechanic Ave. Both of those streets are not narrow like Ames Avenue. This will mean that Barkley will need to be developed. Again, I think that the individuals pursuing this project should pay for assessments and for the street to be completed, and not the residents.

# **Englund, Cherie (CI-StPaul)**

From:

Deervang < deervang@comcast.net>

Sent:

Wednesday, December 21, 2016 1:18 PM

To:

Dermody, Bill (CI-StPaul)

Subject:

40 unit assisted living unit

My name is Cha Vang, I live on 1385 ames avenue, I oppose the construction of the 40 unit assisted living unit planned to be built. This part of the neighborhood is a quite residential area and not met for commercial living units. Please have the owner build at their other property it is better suited. Thank You.

From: To: martin hernandez Dermody, Bill (CI-StPaul)

Subject:

1475 Ames Ave

**Date:** Wednesday, December 21, 2016 10:41:36 PM

Dear Bill,

I am very worried about the rezoning at 1475 Ames Ave. because I own two properties on Ames Ave. If this rezoning project goes through I am concerned that I will have problems renting my property.

When the Hmoob shoping center opened up on Johnson Parkway we started to have problems because of the traffic. The renters at that time moved out because it was no longer an accecible street. I am apprehensive of this rezoning because the dead end on Ames will be opened up and therefor cause new problems to all of us on Ames.

This is why I am against the rezoning of 1475 Ames Ave. I hope you will take my concerns into account. I love Ames Ave just the way it is.

Thank you, Maria Balderrama

Porchua XionG

To:

<u>Dermody, Bill (CI-StPaul)</u> 1475 Ames Avenue

Subject: Date:

Thursday, December 22, 2016 7:38:01 AM

I (we) oppose the construction of 40 multi living units at property addressed 1475 Ames Avenue. We are residents of Ames Avenue for 20 years!

There has been many changes along the way, but this we highly oppose!

Sincerely,

Concerned neighbor.

Sent from my iPhone

Pa Cha Yang

To: Subject: <u>Dermody</u>, <u>Bill</u> (<u>CI-StPaul</u>) Rezoning 1475 AMES

Date:

Wednesday, December 21, 2016 9:32:29 PM

12-21-16

# To: Zoning Committee of Saint Paul

After much consideration and time spent talking to many of my neighbors, I would like to again express my concern in allowing the rezoning of 1475 Ames Ave. From Etna street down to where the blockade is on Hazelwood Street, there are ONLY single family homes on a very narrow street. Our street is not like the average Saint Paul street. Please come by the property and see for yourself. When there are two cars parked on both sides of the street, it is hard for one car driving to go through. One could argue that there could be parking on one side of the street, this does not work as well becuase increase traffic no matter how street parking is would be dangerous on a narrow street with a blind curve/hill where Barkley street is when driving.

There would be increase traffic from the projected visitors of 40 elderly residents along with staff, many delivery trucks (oxygen equipment, food, cleaning service, supplies, lawn maintenance personnel etc...), and necessary ambulances and emergency vehicles going to the senior living center. Please keep in mind that Ames Avenue is a dead end street. The barricade is there because it is not safe for traffic to go through because of how narrow it is. Little children walk on the street to and from the bus stops because the majority of us do not have sidewalks. This works for now because of the amount of traffic we get, however if there is increase traffic, this could be a major issue. This could be dangerous during the winter.

When metro mobility trucks, plow trucks, and delivery trucks try to turn on our street it is very difficult. Again, I invite you to come and see for yourself.

If the street is widen and sidewalks built in, we the residents would be responsible for paying for the assessments and the street construction. The financial burden should not be on existing residents.

Our street is very unique and not adequate for traffic to a 40 unit building. In the beginning, I have tried to welcome the idea of a senior living facility:

however after much discussion with my neighbors, this is something that we do not want because we think that it will make our street less safe. Many of them have called, written, and will be at tomorrow's meeting; however two specifically could not make it and I expressed to those neighbors that I would include their names here in this email. Neighbors Neng Yang and Seng Chang both agree with my concerns.

Today alone, I have spoken with about ten neighbors who do not like the rezoning 1475 Ames Ave.

Again, please come by and look at the site before deciding. You will see that our concerns are valid.

Thank you for your time in reading this email.

Concerned Ames Ave resident,

Pa Cha Yang 1464 Ames Ave Saint Paul, MN 55106 651-492-3284

Karen Gorz

To:

Dermody, Bill (CI-StPaul); chuckrepke@aol.com

Subject:

Rezoning of 1475 Ames Avenue

Date:

Thursday, December 22, 2016 1:19:13 AM

#### Hello,

I live on Ames and I'm writing to ask you to please, please not rezone Ames to RM2 in order to build an assisted living facility. I don't have anything against senior housing (I'm 60 years old and I may need it myself one of these days), but the site on Ames is not the place for it. Except for the apartment building on Ames and Johnson Parkway, the rest of the street is single family homes and a 40-unit building just wouldn't look right. Plus the street down there isn't wide and straight to accommodate extra traffic (like ambulances). It would make more sense to build the assisted living up on Magnolia and Barclay where it wouldn't have to be rezoned and it would be next to the Elder Lodge.

Thanks for your consideration.

Karen Gorz 1388 Ames Avenue December 21, 2016

Rich Holtkamp, 1402 Ames Avenue

I just got this notice yesterday. We don't have time to react to this. The project is going to create more traffic on Ames, which is a dead-end. We have cars flying up and down Ames to begin with. I don't know anything about this project except it's 40 units of assisted living and memory care. I'd like more info on traffic flow and what else is going on with the property. I have to be against it at this point.

Steve Lynn

To:

Dermody, Bill (CI-StPaul)

Subject: Date: Stop Reconstruction Zone 1475 Ames Ave Wednesday, December 21, 2016 3:36:11 PM

### Hi Bill,

I live on street 1394 Ames Ave. Today my family was informed about this reconstruction zone to take place soon on 1475 Ames Ave. I like to declare that me and my family do not support this act. We wish it be a single family home and not construct for buildings and other matter. In simple... "We Don't Want The Construction On 1475 Ames Ave." Please forward this email to the destination where it will be process, thankyou.

- Ma

Marty Her

To:

Dermody, Bill (CI-StPaul)

Subject: Date: stop the rezoning

Wednesday, December 21, 2016 10:30:55 PM

#### Hello Bill,

I am writting to you because I am concerned about the rezoning of 1475 Ames Ave. I live on Ames and I love it just the way it is. This area is quiet and a great place to raise a family. I love that there is not a lot of traffic because of the dead end at the end of my block. My two kids ride their bikes and roller skate in the summer because of the scarcity of traffic.

If the project on 1475 was to happen there will be a significant increase in traffic and the street will not be as safe as they are now.

I am very concerned and i am not happy about this rezoning project.

thank you, Marty

### RE-ZONING AMES AVENUE

Please note the listed residents and owners of property on Ames Ave are opposed to the re-zoning.

Name CHESTINA ZIER Chestina Zier.
Address 15ZI AMES AVE
Phone 651.357-6583
Name MICHAEL ZIER Muke Zier
Address 1521 AMES AUE.
Phone
Name TACKE DAILY GUILLAND AND
Address 1521 AMES AUE
Phone 651:210:0858
• •
Name Joseph Anderson
Address 1515 AMes Due Skyleur
Phone 651-206-4127.

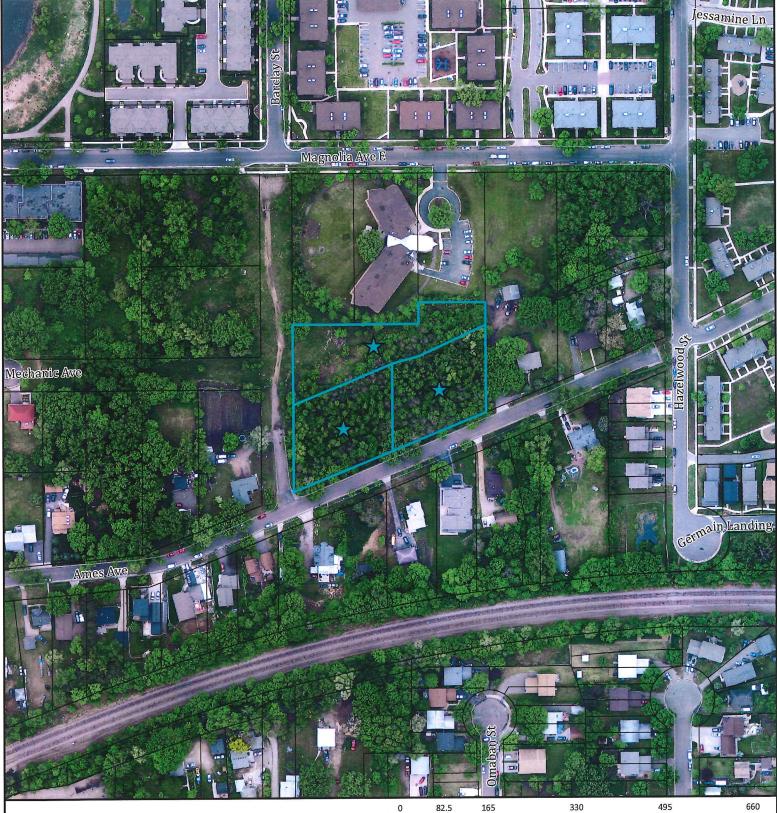
Please note the listed residents and owners of property on Ames Ave are opposed to the re-zoning.

Name Margaret Mudek	Margaet Mudek
Address 1515 Amas Ave	$\langle \rangle$
Phone 651-717-5121	
	· .
Name Kathy Colbery	- 11: 1
Address 1453 AMES Me	Wally Calling
Phone 651-274-3044	
	- Maria Baldarama
Name Maria Buldevama	- Marajara
Address 1438 Amy Aul	
Phone 651-472-1169	
· .	
Name Chao Lee	· .
Address 1460 Ames Ave.	
Phone 66/2-418-8765	

### RE-ZONING AMES AVENUE

Please note the listed residents and owners of property on Ames Ave are opposed to the re-zoning.

Maria Chaire
Name Leng Chang
Address 1456 Ames Ave.
Phone 651-808-2456
Name allen Hane
Address 1450 Ames
Phone 651 774-4726
Name Sandia Harrows Address 1933 Ames Ave
Address 1833 Ames Aue
Phone <u>151 776-478</u>
Name Perry Figer
Address 1422 Amss Aut
40 000 4511



FILE NAME: Hiee and May Xiong

APPLICATION TYPE: Rezone

FILE #: 16-103701 DATE: 12/2/2016

PLANNING DISTRICT: 2

ZONING PANEL: 12

Saint Paul Department of Planning and Economic Development and Ramsey County

Aerial

Subject Parcels



