

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Hlee 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 **BY:** Bill Dermody
  9. **DATE RECEIVED:** December 2, 2016 **60-DAY DEADLINE FOR ACTION:** January 31, 2017
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- 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:** As of this writing, the District 2 Council has not provided a recommendation.
- 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  
 (651) 266-6589 *9008*

Zoning Office Use Only  
 File #: *16-103701*  
 Fee: *1700.00*  
 Tentative Hearing Date:  
*12-22-16*

*70 = 2*  
*#*  
*27-29-22-24-0009*

APPLICANT

Property Owner(s) *Hlee Xiong Moua*  
 Address *515 20<sup>th</sup> St. N.E*  
 City *Rochester* State *MN* Zip *55906* Phone *507-316-8823*  
 Contact Person *Cy Thao* Phone *651-208-1985*  
 Email *hkeern25@gmail.com*  
 (Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY LOCATION

Address/Location *0 Ames Ave. 1475-1495 Ames & Barclay*  
 Legal Description *SEE Attached*  
 Current Zoning *R2*  
 (Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, \_\_\_\_\_

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a  
*R2* zoning district to a *RM2* zoning district, for the purpose of:

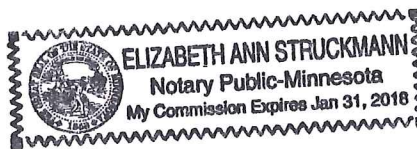
(Attach additional sheets if necessary.)

Attachments as required: ☒ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

Date *November 23* 2016

*Elizabeth Struckmann*  
 Notary Public



By: *Hlee X. Moua*  
 Fee owner of property

Title: *owner*

Subscribed and sworn to before me

Date \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
 Notary Public

**NOV 30 2016**

By: \_\_\_\_\_  
 Fee owner of property

Title: \_\_\_\_\_



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Zoning Office Use Only  
 File #: \_\_\_\_\_  
 Fee: \_\_\_\_\_  
 Tentative Hearing Date: \_\_\_\_\_

**APPLICANT**

Property Owner(s) May Xiong  
 Address 7140 Firehorn Rd.  
 City Wausau State WI Zip 54401 Phone (715) 575-9125  
 Contact Person Cy Thao Phone (651) 268-1985  
 Email \_\_\_\_\_  
 (Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

**PROPERTY LOCATION**

over

Address/Location 0 Ames Ave (corner of Ames + Barclay St.)  
 Legal Description LS 150 Ft Par To Ames Ave. OF Fol; Ex W 70.275 ft As Meas on N1 of SD Rd of Lot 8 B1E1 of Lot 9 B1K1  
 Current Zoning \_\_\_\_\_  
 (Attach additional sheet if necessary.)

→ over

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R2 zoning district to a Rm2 zoning district, for the purpose of:

(Attach additional sheets if necessary.)

Attachments as required: ☒ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

Date November 28, 2016

Joel G. Bauer  
 Notary Public

By: May Xiong  
 Fee owner of property

Title: \_\_\_\_\_

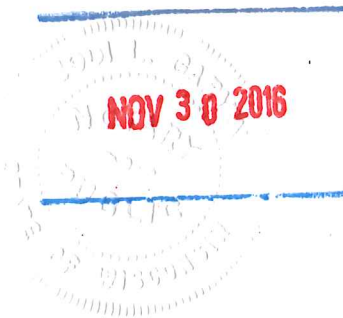
Subscribed and sworn to before me

Date \_\_\_\_\_ 20\_\_\_\_

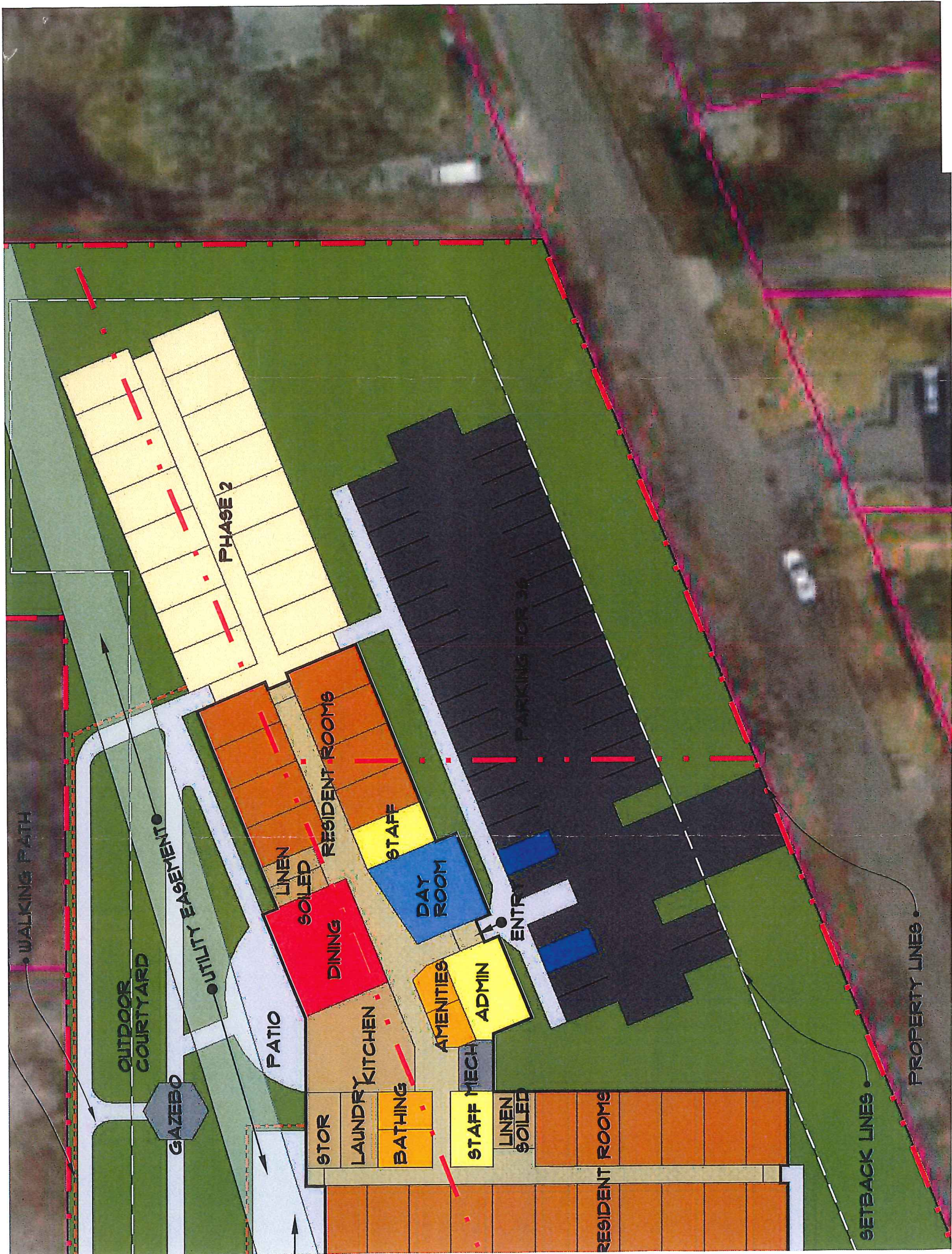
\_\_\_\_\_  
 Notary Public

By: \_\_\_\_\_  
 Fee owner of property

Title: \_\_\_\_\_







WALKING PATH

OUTDOOR  
COURTYARD

GAZEBO

UTILITY EASEMENT

PHASE 2

PATIO

STOR

LAUNDRY

BATHING

STAFF MECH

LINEN  
SOILED

RESIDENT ROOMS

LINEN  
SOILED

RESIDENT ROOMS

KITCHEN

DINING

AMENITIES

ADMIN

STAFF

DAY  
ROOM

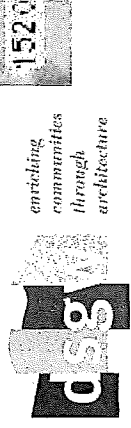
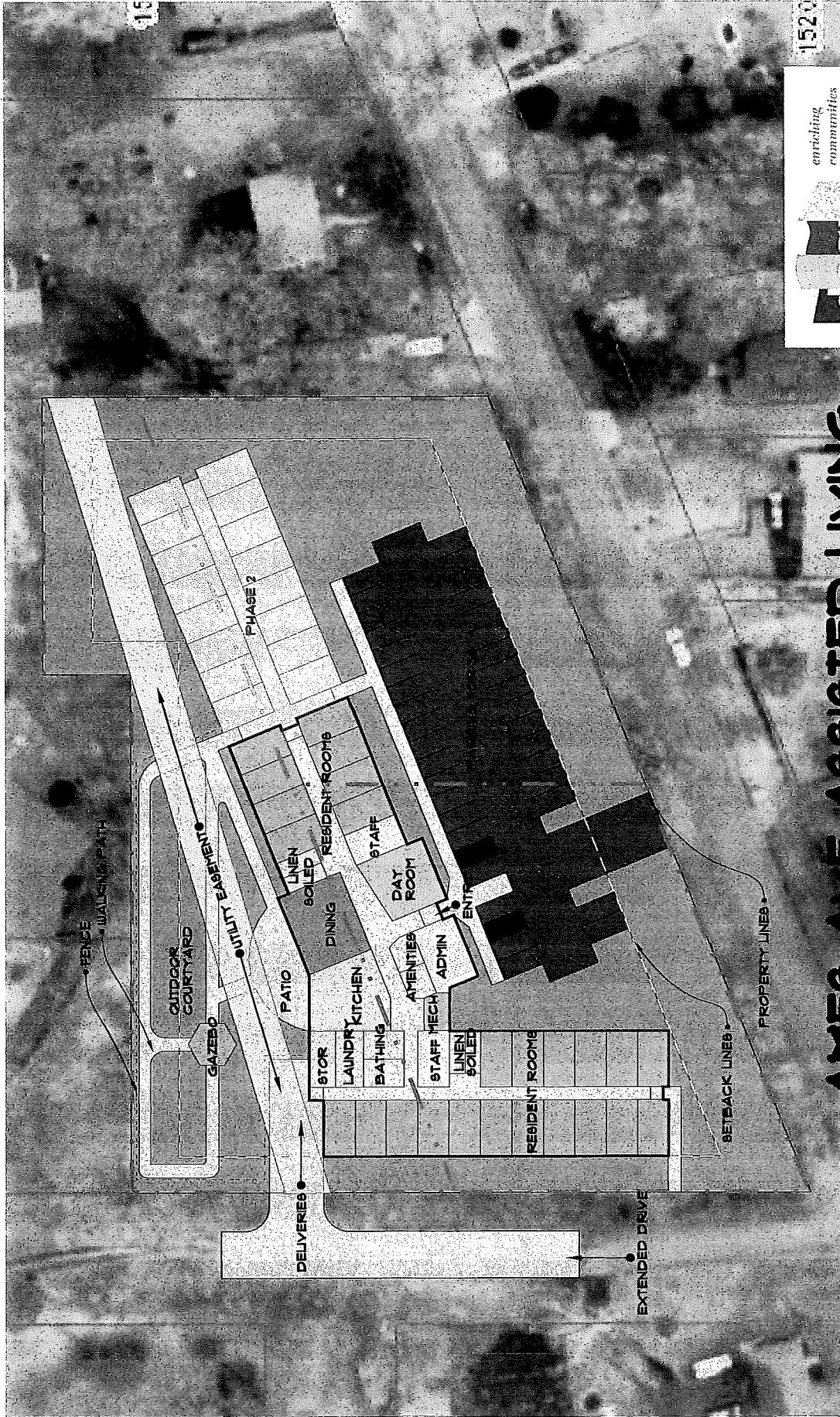
ENTRY

PARKING FOR 34

SETBACK LINES

PROPERTY LINES



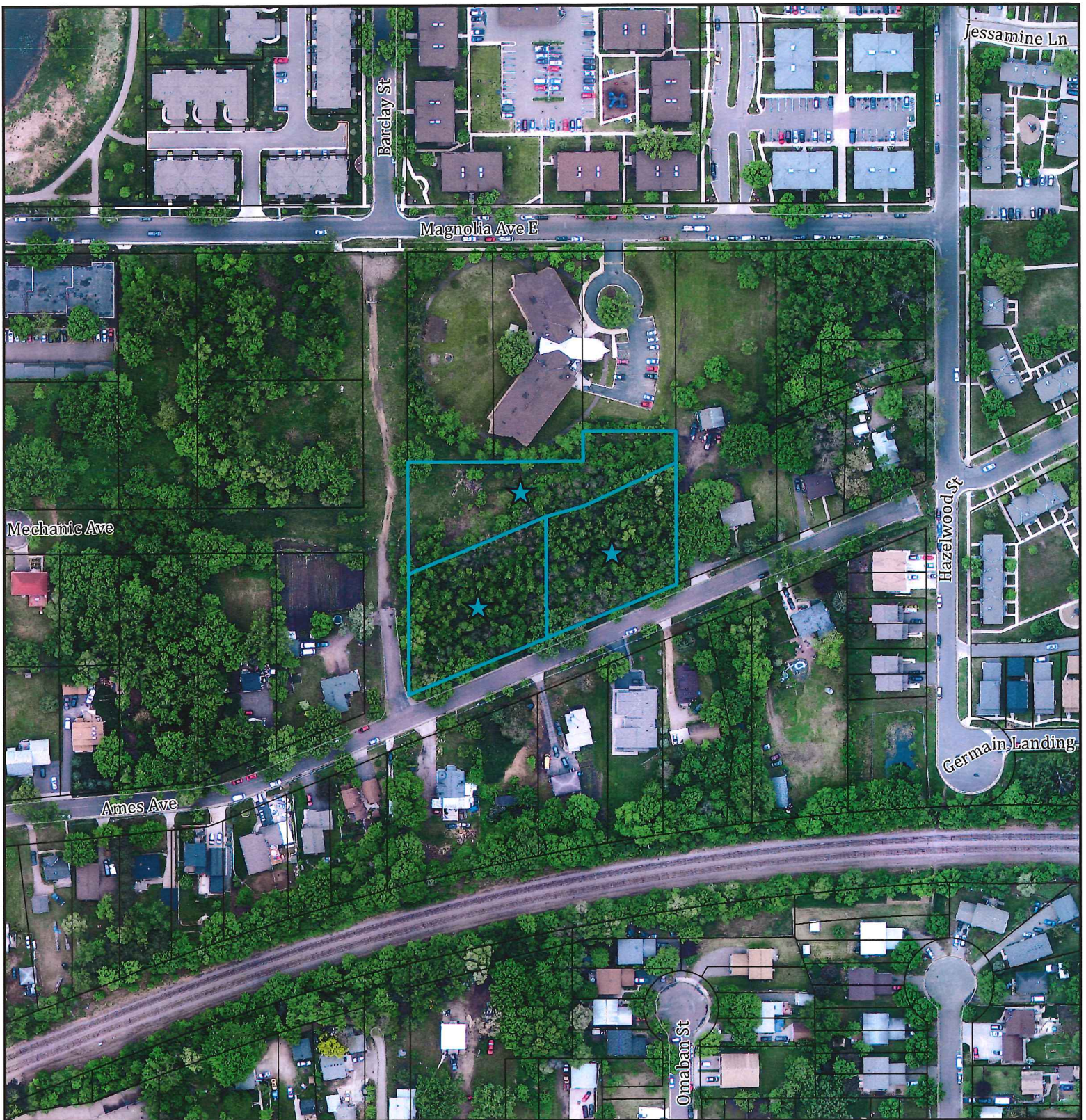


# AMES AVE ASSISTED LIVING

NOVEMBER 13, 2016

DEVELOPMENT STUDY





FILE NAME: Hlee and May Xiong

APPLICATION TYPE: Rezone

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

PLANNING DISTRICT: 2

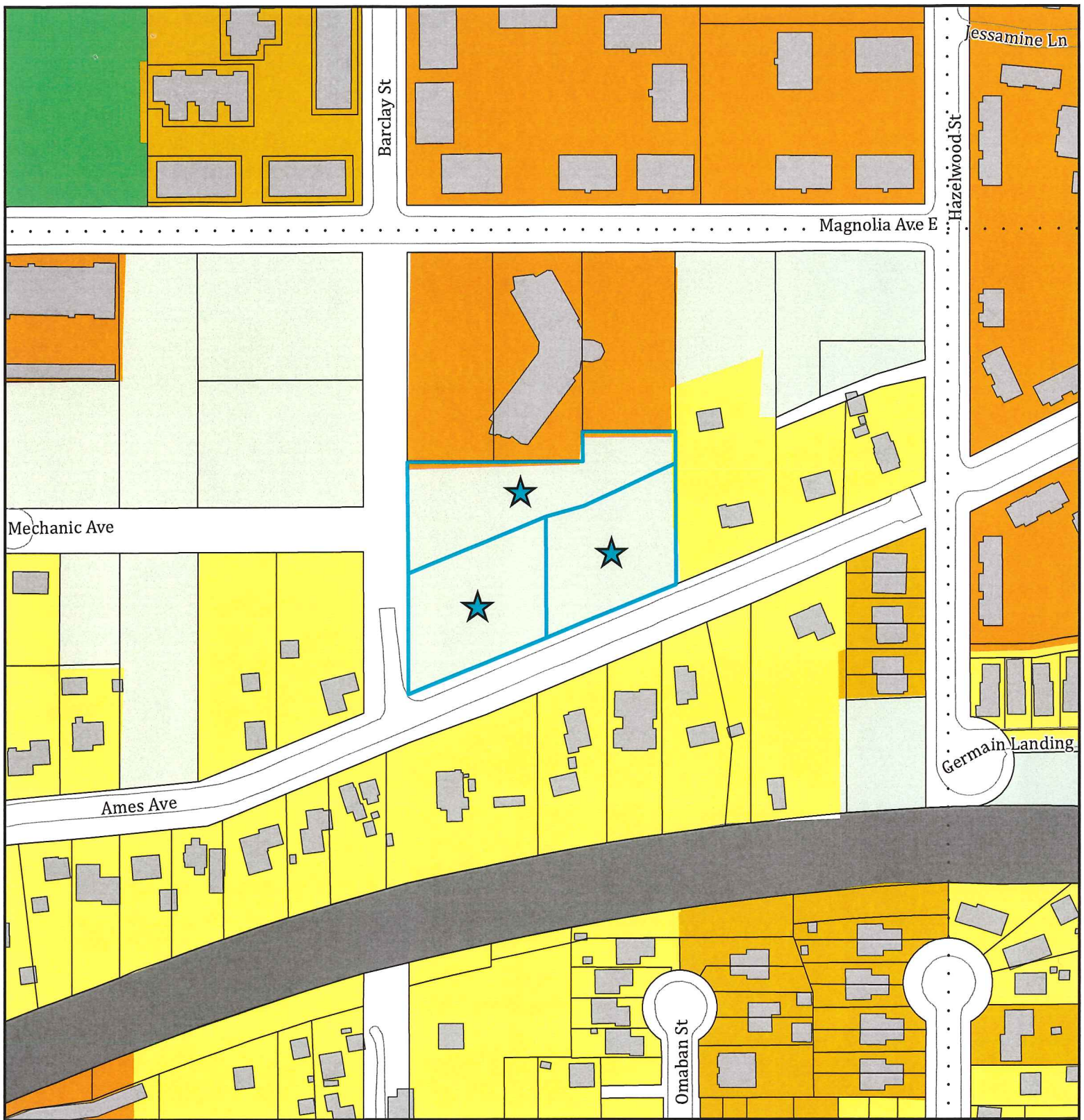
ZONING PANEL: 12

Aerial

Subject Parcels







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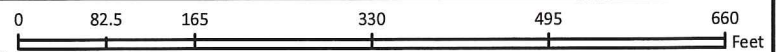
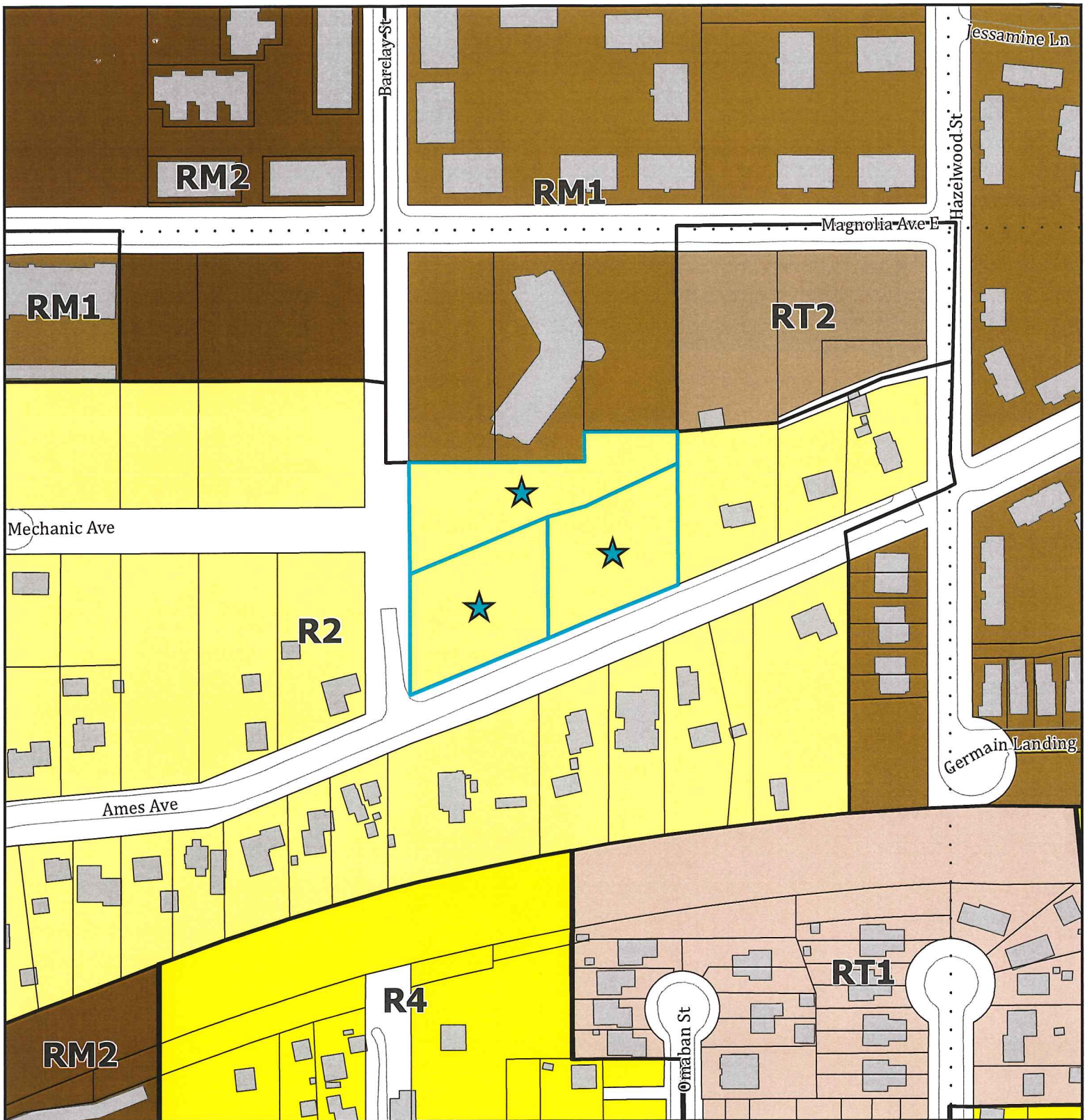
ZONING PANEL: 12

#### Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines







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APPLICATION TYPE: Rezone

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

PLANNING DISTRICT: 2

ZONING PANEL: 12

#### Zoning

- Subject Parcels
- Section Lines
- R2 One-Family
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family





Received Wednesday 12/14/16 at 8:46 p.m.:

Hi Bill,

I just got a mail today about the Rezone from R2 one family resident to RM2 multiple family residential and conditional use permit for a 40-Units assisted living and memory care facility.

Property address: 1475 Ames Ave NE corner Barclay and Ames by Hlee and May Xiong.

I won't be able to attend the hearing on Thursday December 22, 2016 at 3:30pm at Courthouse, but I want to write you my concern.

Please stop this construction because we lived for long and very peaceful. I know the the different between one family establish and multiple units in an apartment establish; it will bring multiple issues to our neighbors such as traffic. Since this area is very limited for extension by the railroad that goes a long with the Ames Ave. I very concern about adding another apartment with the previous apartments along the Magnolia Ave E will bring more pollution, traffic and cloudy neighbors to our future. Please immediate stop this construction. Thank you

From : Pang Kou Yang 1460 Ames Ave. St. Paul, MN 55106. Please reach me at [REDACTED]

Thank you.

Pang Yang