

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** KTJ 298 LLC **FILE #:** 18-024-461
 2. **APPLICANT:** KJT 298 LLC **HEARING DATE:** February 15, 2018
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 1891 Norfolk Ave. (between Prior and Sue), 1413 Sue St. (SW corner at Graham)
 5. **PIN & LEGAL DESCRIPTION:** 21.28.23.24.0131 and 21.28.23.24.0133; Lots 26-28 and the west 42 feet of Lots 23-25, Block 7, Davern's Burren Addition
 6. **PLANNING DISTRICT:** 15 **EXISTING ZONING:** R3
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** February 7, 2018 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** January 31, 2018 **60-DAY DEADLINE FOR ACTION:** April 1, 2018
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- A. **PURPOSE:** Rezone from R3 one-family residential to RM2 multiple-family residential.
- B. **PARCEL SIZE:** 21,060 square feet
- C. **EXISTING LAND USE:** Each property is occupied by a single family home.
- D. **SURROUNDING LAND USE:** The property is surrounded by single family uses in an R3 zoning district on the north and east and by senior housing in an RM2 zoning district on the west. A highway on-ramp to Highway 5 is located to the south.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** There are no previous zoning cases for the subject properties. There are a number of zoning cases for the senior housing development to the west, formerly known as St. Mary's Home.
- G. **PARKING:** Zoning Code § 63.207 establishes minimum parking requirements by use. The assisted living facility owned by the applicant has 78 units and requires one parking space for every three residents. Therefore, the parking requirement fluctuates with the number of residents and the number of residents can be more than one per unit. The independent living use owned by the applicant has 73 units and requires .33 spaces per unit for a requirement of 24 spaces. The two uses require approximately 54 off-street parking spaces; 86 spaces are provided in underground structures. The facilities will have 138 parking spaces with the addition of the 52 spaces in the proposed lot. Zoning code § 63.207(c) addresses the maximum number of *surface* parking spaces that can be built - no more than 170 percent of the required minimum. This limits the number of surface spaces to 92.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The Highland District Council voted to support the rezoning. Its resolution is attached to the staff report.
- I. **FINDINGS:**
 1. The applicant owns the property to be rezoned and operates Highlands of St. Paul, a senior living community composed of three separate buildings connected by shared community spaces. The continuum of care offered includes memory care, assisted living, and independent living. The applicant intends to demolish two single family homes, one on Sue Street and one on Norfolk Avenue, to create a surface parking lot with 52 spaces. Access to the parking lot is from the alley. A fence is planned for the remaining perimeter of the parking lot. One single family home will remain east of the alley on Norfolk Avenue. A fence separating the parking lot from this home is planned.

The property to be rezoned is currently zoned R3, single family. The assisted and senior living facilities are zoned RM2, multiple-family. Zoning code § 63.303 requires that parking spaces for buildings with three or more units be on the same zoning lot or in an abutting zoning lot in the same or less restrictive zoning district. Therefore, the property must be rezoned from R3 to RM 2 to allow the parking spaces in the abutting zoning lot to serve the residential facilities in the RM2 zoning district.

Existing off-street parking, 86 spaces, is located in three underground lots below the assisted and independent living facilities located to the west of the property to be rezoned. All of these spaces are used by facility residents. Employees, visitors, and residents park on the street and employees and visitors also park in a lot that the applicant rents from St. Andrew Kim Catholic Church across the street to the south. The applicant states that they receive complaints from neighborhood residents about their use of on-street parking.

The residential uses owned by the applicant require approximately 54 off-street parking spaces and 86 spaces are currently provided. The proposed parking lot will add 52 spaces for a total of 138 parking spaces.

The proposed parking lot requires site plan review. A Transportation Demand Management Plan is required as part of the site plan review process based on the increased amount of spaces above the minimum requirement and over 100 total spaces provided.

2. The proposed zoning is consistent with the way this area has developed. The rezoning allows development of a parking lot to serve the existing multiple-family residential uses to the west. Rezoning would also allow expansion of the existing multiple-family use to the west or development of a separate multiple-family housing facility.
 3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use plan identifies this area as an Established Neighborhood. Established Neighborhoods are predominately residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multiple-family housing scattered with these neighborhoods. Land Use Policy 1.1 states, "Guide the development of housing in Established Neighborhoods, commercial areas within Established Neighborhoods, and in Residential Corridors." Land use policy 1.40, states "Promote the development of housing choices for people of all ages, including singles and young couples, families, empty-nesters, and seniors."
 4. The proposed zoning is compatible with the surrounding residential uses and will allow development of a parking lot to decrease use of on-street parking by employees, visitors, and residents.
 5. 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 property is adjacent to an existing RM2 zone and will not result in a spot zone.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the request to rezone the property from R3 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

Zoning Office Use Only
File #: 18-024461
PD = 15
Fee:
Tentative Hearing Date: 2-15-18

2128 2324 0131 (1891)
2128 2324 0133 (H13)
Side

APPLICANT

Property Owner(s) KTJ 298, LLC
Address 400 WATER STREET, SUITE 200
City EXCELSIOR State MN Zip 55331 Phone 952-244-0353
Contact Person Michelle Kiedel Phone 952-244-0353
Email michelle@oppidan.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 1891 NORFOLK AVE
Legal Description Lot 23 Block 7 of DAVERN'S BURKEN ADDITION, TO ST W 42 FT OF
LOTS 23 24 and LOT 25 BLK 7 Current Zoning Residential - R3
(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, KTJ 298, LLC

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a R-3 zoning district to a RM-2 zoning district, for the purpose of:

Please see attached narrative.

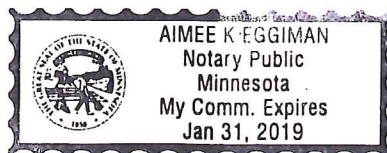
(Attach additional sheets if necessary.)

Attachments as required: [X] Site Plan [] Consent Petition [] Affidavit

Subscribed and sworn to before me

Date January 23 2018

[Signature]
Notary Public



By: [Signature]
Fee owner of property

Title: Vice President



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Zoning Section
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(651) 266-6589

Zoning Office Use Only

File #: _____

Fee: _____

Tentative Hearing Date:

2-15-18

APPLICANT

Property Owner(s) KTJ 290, LLC

Address 400 Water Street, Suite 200

City Excelsior State MN Zip 55331 Phone 952-294-0353

Contact Person Michelle Riedel Phone 952-294-1258

Email michelle@popidan.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 413 Swo Street

Legal Description Lot 26 Block 7 of Davern's Burien Addition, to St Lots 26

27 and Lot 28 Blk 7 Current Zoning Residential 3

(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, KTJ 290, LLC

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a R3 zoning district to a RM-2 zoning district, for the purpose of:

Please see attached narrative.

**add
1-25-18**

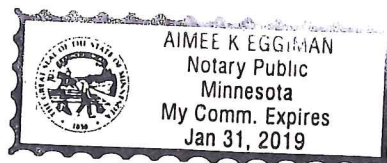
(Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date January 23 2018

Aimee K Eggiman
Notary Public



By: *Pat K*
Fee owner of property

Title: *Vice President*

NARRATIVE

Highland's of St. Paul is a 151 unit senior living community located at 1925 Norfolk Avenue purchased by Oppidan Investment Company in the spring of 2017. Our community serves Independent and Assisted Living residents over the age of 55 as well as seniors in need of a higher level of care in 16 Memory Care units. This community is comprised of three buildings, one on 1925 Norfolk, one at 1920 Graham Avenue and one at 1910 Graham Avenue, all connected by shared community spaces. Each building also has its own underground parking facility which provides a total of 86 parking stalls.

While we do have parking it has not been sufficient enough to accommodate the residents of our community, their families, visitors and especially staff. Until recently, all excess parkers have utilized any available spot located on the surrounding streets. This has led to several calls from nearby neighbors who have complained about lacking of available parking for their use.

A few months ago we came to an agreement with the Korean Church across from our site. We have signed a lease and pay \$500 a month, plus plowing costs in the winter, to utilize their spaces during the week for our staff and visitors. It has come to our attention that the Church is now for sale which would end our agreement and add detrimental parking back onto the streets.

Oppidan Investment Company also acquired two residential homes as part of the purchase deal. These homes, located at 1413 Sue Street and 1891 Norfolk Avenue, are each being rented out by two tenants both of which will be vacating this spring. Each of the homes needs major work to be brought back to quality living standards. Instead we propose to demolish the homes in favor of additional parking for our community.

We presented our plan at the Highland's District Council and learned that our neighbors are, in fact, very unhappy with the street parking from our community. As you are aware, they have issued the discontent to the City in the past.

Our proposed plan would provide 52 additional stalls on the available .48 acres of land. We would sign the both entrances to this proposed lot and would designate our lot for employees, visitors and residents of the Highlands of St. Paul senior community. This would allow for our staff, guests, residents and prospective residents to park safely on community property while keeping our streets available for neighboring residents.

We believe that this is truly the best solution for all parties and hope for your support. We look forward to working with the City of St. Paul and the Highland neighborhood to meet all landscape and design requirements for our proposed parking solution.



Graham Ave. W.

Norfolk Ave.

S. Prior Ave.

41 Units
Independent
Living

9 Units
Assisted Living

69 Units
Assisted Living

32 Units
Independent
Living



Highlands on Graham
1910 Graham Ave. W., St. Paul, MN

koos
wilson
architects





Highland District Council
1978 Ford Parkway Saint Paul, Minnesota 55116
651-695-4005
Email: info@highlanddistrictcouncil.org

**Resolution in Support of the Rezoning of the Properties at
1891 Norfolk and 1413 Sue from R3 to RM2**

Whereas KTJ, LLC has requested that the properties at 1891 Norfolk Avenue and 1413 Sue Street be rezoned from R3 to RM2, for the purpose of providing off street parking for the staff and visitors at the Highlands of St Paul Senior Living; and

Whereas Michelle Riedel, representing the applicant, KTJ, LLC, met with neighbors and the Community Development Committee of the Highland District Council on Tuesday, January 23rd, to discuss existing parking issues, and other concerns related to the operation of the Highlands of St Paul Senior Living; and

Whereas the applicant agreed to work on concerns brought up at the meeting:

- To encourage employees to park in the new lot, and educate them about importance of respecting the neighbors;
- Encourage visitors to park in the new lot;
- Provide neighbors contact numbers for staff at the Highlands so they have someone to reach out to if they encounter problems; and

Whereas the neighbors that attended the community meeting supported the addition of parking for the Highlands of St Paul at this location;

Therefore, be it resolved, that the Community Development Committee of the Highland District Council supports the rezoning of the properties at 1891 Norfolk Ave and 1413 Sue Street, with the conditions listed above.

Approved on Feb 05, 2018

By the Community Development Committee of the Highland District Council

Resolution 2018- 03D

Dadlez, Kady (CI-StPaul)

From: marilyn weis <marilynweis@hotmail.com>
Sent: Tuesday, February 06, 2018 7:56 PM
To: Dadlez, Kady (CI-StPaul)
Subject: Zoning Meeting

Sir, I received a postcard regarding a zoning meeting regarding the property across the street from my single family home. It appears that the block across from my home is going to be rezoned for a multifamily structure. How many floors are we talking about? 2 is different from a 6 story structure that will block light . How are we to know what is planned? The next street down has a huge retirement home on it and the semi trucks come through regularly with supplies, but they are to big for the streets and routinely take out tree branches and cut across lawns trying to make the street corners. Does this rezoning mean that all the big truck traffic will get worse? The meeting is during my work day and I am unable to attend, but please let my voice be heard. Thank you, Marilyn Weis 1883 Graham Ave, St. Paul



1891 Norfolk Avenue – property to be rezoned



Rear of 1891 Norfolk Avenue – property to be rezoned



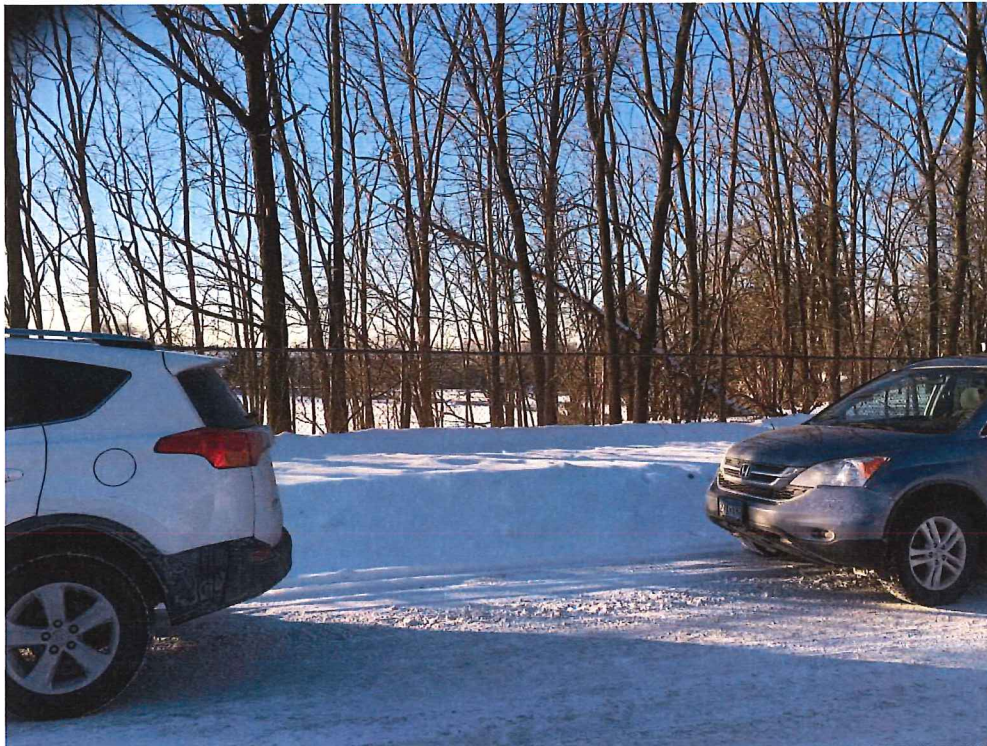
Alley between properties to be rezoned and Highlands of St. Paul



East of Norfolk property – single family home



West of Norfolk property – Highlands of St. Paul



South of Norfolk property – Highway 5 on-ramp single family residential to the southwest



1413 Sue Street – property to be rezoned



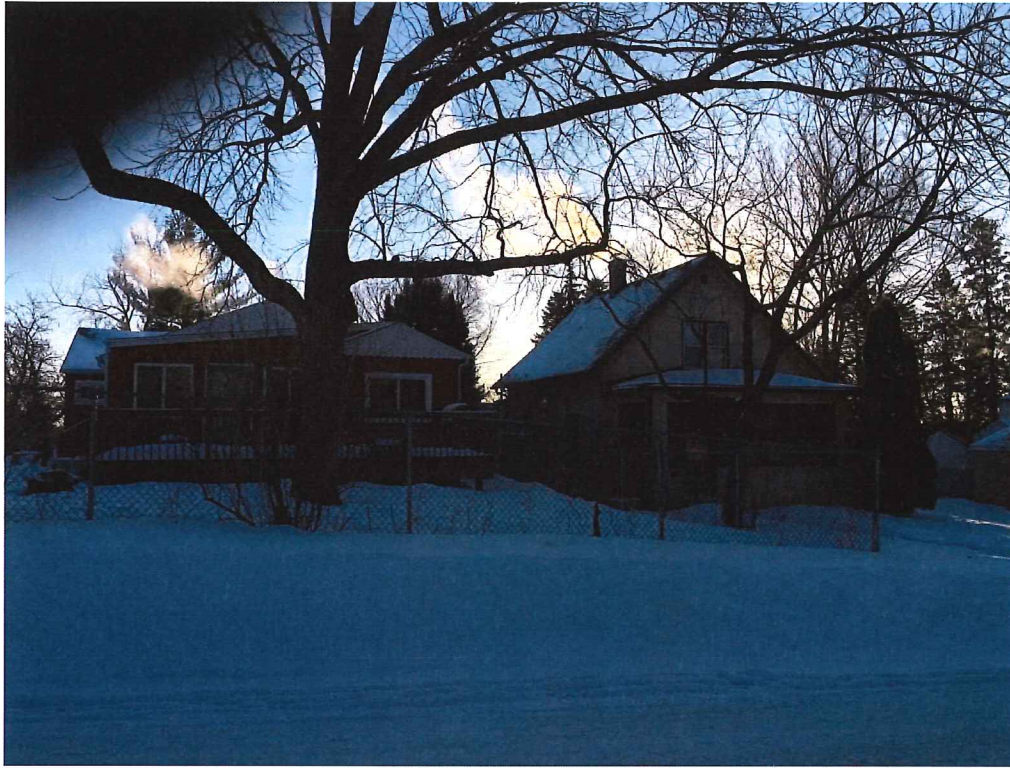
Side yard of 1413 Sue Street – to the south



North of 1413 Sue Street – single family homes



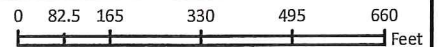
Northeast of 1413 Sue Street – single family homes



East of 1413 Suet Street – single family homes



Church parking lot at Norfolk and Prior rented by Highlands of St. Paul



FILE NAME: Ktj 298 LLC

Aerial

APPLICATION TYPE: Rezone

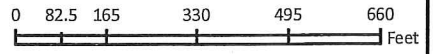
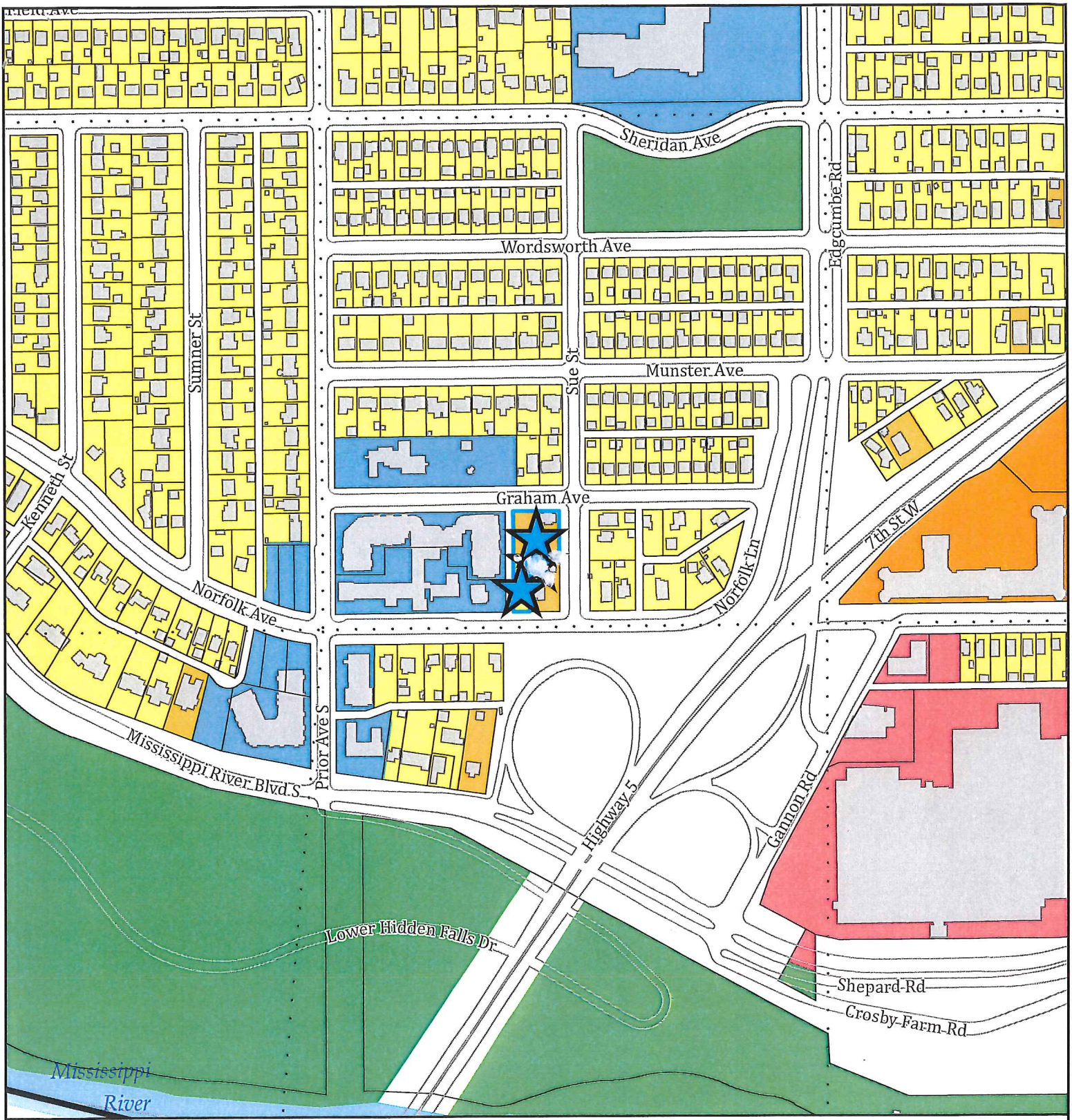
 Subject Parcels

FILE #: 18-024461 DATE: 1/31/2018

PLANNING DISTRICT: 15

ZONING PANEL: 30





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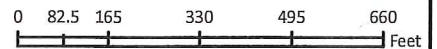
PLANNING DISTRICT: 15

ZONING PANEL: 30

- Land Use**
- Single Family Detached
 - Single Family Attached
 - Multifamily
 - Retail and Other Commercial
 - Institutional
 - Park, Recreational or Preserve
 - Water

- Subject Parcels
- Section Lines





FILE NAME: Ktj 298 LLC

Zoning

APPLICATION TYPE: Rezone

 Subject Parcels

FILE #: 18-024461 DATE: 1/31/2018

 Section Lines

PLANNING DISTRICT: 15

ZONING PANEL: 30

