

city of saint paul  
planning commission resolution  
file number 18-06  
date February 23, 2018

WHEREAS, KTJ 298 LLC, File # 18-024-461, has applied to rezone, from R3 one-family residential to RM2 multiple-family residential, under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1891 Norfolk Avenue and 1413 Sue Street, Parcel Identification Numbers (PIN) 21.28.23.24.0131 and 21.28.23.24.0133, legally described as Lots 26-28 and the west 42 feet of Lots 23-25, Block 7, Davern's Burren Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 15, 2018, 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 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. 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.

moved by Edgerton  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

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.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of KTJ 298 LLC to rezone, from R3 one-family residential to RM2 multiple-family residential, property at 1891 Norfolk Avenue and 1413 Sue Street be approved.