

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** NBH Holdings LLC

**FILE #:** 20-097-736

**APPLICANT:** NBH Holdings LLC

**HEARING DATE:** December 31, 2020

**TYPE OF APPLICATION:** Rezoning - Consent

**LOCATION:** 1350 Arcade St. and 835 Clear Ave., NE corner Arcade St. and Clear Ave.

**PIN & LEGAL DESCRIPTION:** 21.29.22.32.0141-0142; Lots 17 & 18, Block 6, Lane's Phalen Grove Addition

**PLANNING DISTRICT:** 5

**EXISTING ZONING:** R4

**ZONING CODE REFERENCE:** §61.801(b)

**STAFF REPORT DATE:** December 23, 2020

**BY:** Bill Dermody

**DATE RECEIVED:** December 8, 2020

**60-DAY DEADLINE FOR ACTION:** February 6, 2021

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- A. **PURPOSE:** Rezone from R4 one-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 10,671 sq. ft.
- C. **EXISTING LAND USE:** Office and accessory parking
- D. **SURROUNDING LAND USE:**  
Johnson High School to the southwest (R4); commercial to the west and northwest (T2); single-family residential to the north, east, and southeast (R4); and an auto body shop to the south (T2).
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In 1975, the 1350 Arcade St. property was zoned B3 community business and the 835 Clear Ave. property was zoned R4 one-family residential. Some time prior to 2007, the 1350 Arcade St. property was rezoned to R4. A demolition permit was issued in 1995 to allow removal of a residential building at 835 Clear Ave., and a site plan was approved soon after to allow construction of the parking lot.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 1 off-street parking space per 400 sq. ft. gross floor area of office. For this building of ~3,100 s.f., approximately 8 parking spaces are required. The accessory parking lot at 835 Clear Ave. provides 9 parking spaces.
- H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the Payne Phalen District 5 Council has not provided a recommendation.
- I. **FINDINGS:**
1. The application requests rezoning of 1350 Arcade St. and 835 Clear Ave. from R4 one-family residential to T2 traditional neighborhood.
  2. The proposed zoning is consistent with the way this area has developed. The Arcade St. corridor has a mix of uses, such as those allowed in T2.
  3. The proposed zoning is consistent with the Comprehensive Plan, which designates the Arcade St. corridor for mixed use. Since the existing accessory parking lot on Clear Ave. is associated with the business at 1350 Arcade St., it is consistent with this designation as well.

4. The proposed zoning is compatible with the surrounding mix of uses along Arcade St. and adjacent residential uses to the east.
  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 proposed rezoning to T2 does not constitute spot zoning. The use classification is consistent with the surrounding uses and does not create an island of nonconforming use.
  6. The petition for rezoning was found to be sufficient: 17 parcels eligible; 12 parcels required; 12 parcels signed.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 one-family residential to T2 traditional neighborhood.



**REZONING APPLICATION**

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex, 25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6583

Zoning Office Use Only  
File # \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_  
Received By / Date \_\_\_\_\_  
Tentative Hearing Date \_\_\_\_\_

**APPLICANT**

Property Owner(s) NBH Holdings LLC (Northstar Behavioral Health)  
Address 1932 University Ave. W. City St. Paul State MN Zip 55104  
Email ROSSD@Bridgesmn.com Phone 612-807-2099  
Contact Person (if different) \_\_\_\_\_ Email ROSSD@Bridgesmn.com  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
*(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 INFO**

Address/Location 1350 Arcade St. St. Paul MN 55104 & 835 Clark Ave.  
PIN(s) & Legal Description 212922.320141 21/029/082 & 21.29.22.32.0142  
*(Attach additional sheet if necessary.)*  
Lot 17 Block 6 of LANE'S Phalen grove addition  
Lot Area 0.13 Acres Current Zoning R4

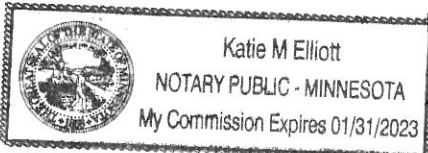
TO THE HONORABLE MAYOR AND CITY COUNCIL:  
Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, NBH Holdings LLC  
owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a  
R4 zoning district to a T2 zoning district, for the purpose of:  
Appropriately zoning building based on use - office (admin/medical health)  
Attach additional sheets if necessary. Attachments as required:  Site Plan  Consent Petition  Affidavit  
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me  
Date January 24 2020  
Katie Elliott  
Notary Public



By: [Signature]  
Fee owner of property  
Title: VP of Real Estate/owner

Subscribed and sworn to before me  
Date November 23, 2020  
Katie Elliott  
Notary Public



By: [Signature]  
Fee owner of property  
Title: owner / VP Real Estate

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, NBH Holdings, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signatures are the true and correct signatures of each and all of the parties so described.

*Ross*

*[Signature]*

NAME Ross Renne

1350 Arcade St. St. Paul, MN

ADDRESS 9835 CLEAR AVE

612-807-2099

TELEPHONE NUMBER

Subscribed and sworn to before me this

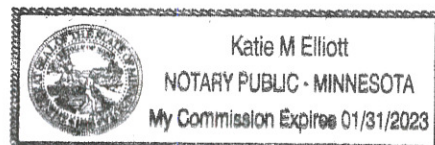
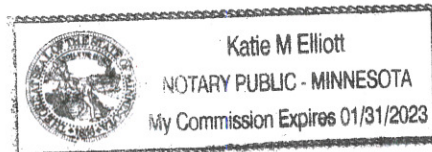
24<sup>th</sup> day of January, 2020

*Katie Elliott*

NOTARY PUBLIC

3<sup>rd</sup> of November, 2020

*Katie Elliott*



# CITY OF SAINT PAUL



## AFFIDAVIT OF PERSON CIRCULATING CONSENT PETITION FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Ross Denne, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 1 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

   
NAME Ross Denne

1350 Arcade St. St. Paul, MN  
ADDRESS 9 835 Clear Ave

612-807-2099  
TELEPHONE NUMBER

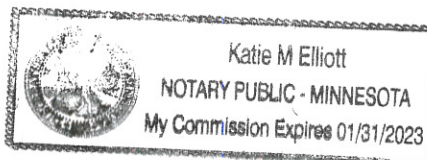
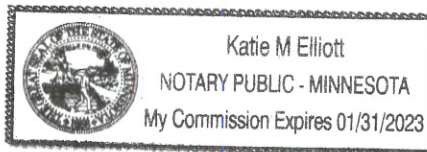
Subscribed and sworn to before me this

24 day of January, 2020.

  
NOTARY PUBLIC

23rd of November 2020

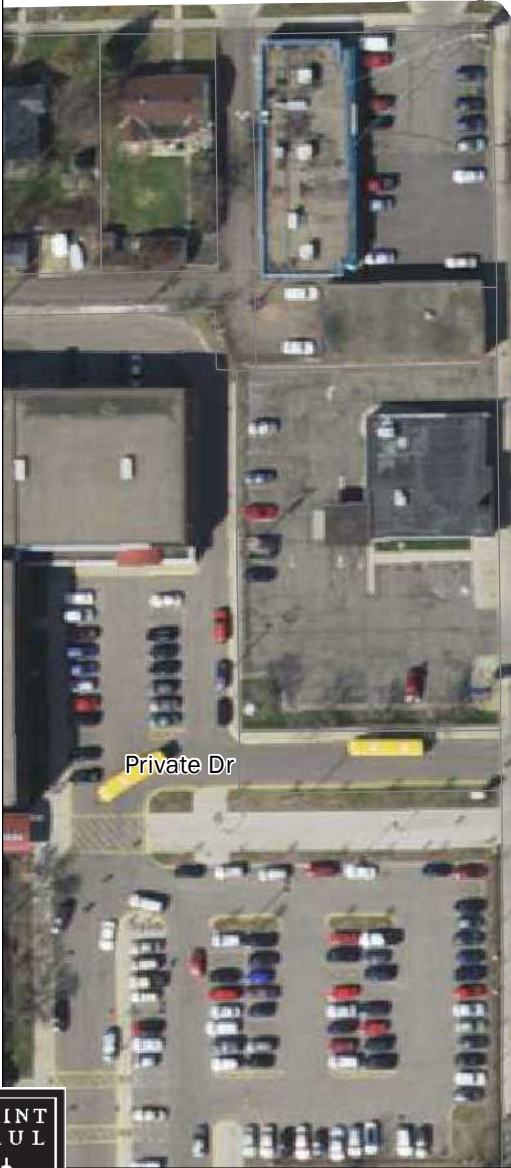
Katie Elliott



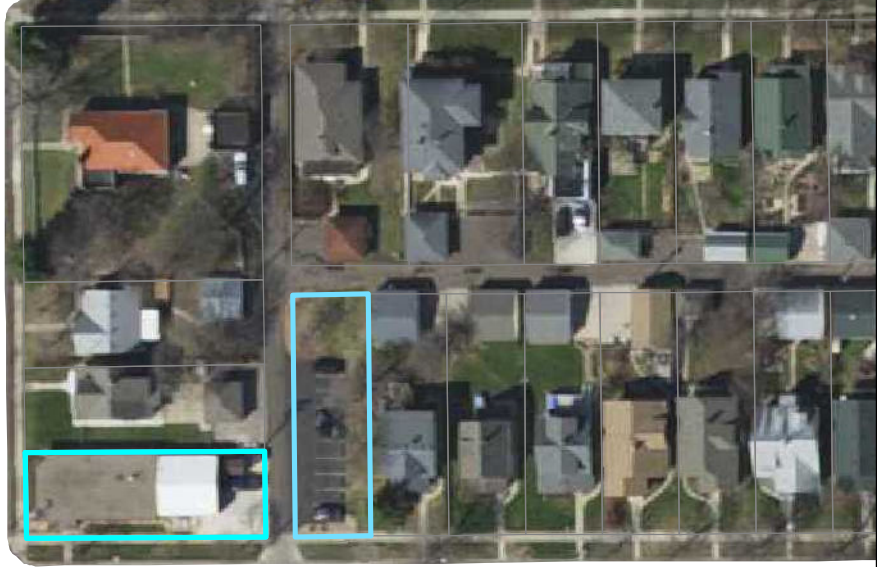
10/08



Cottage Ave E



Private Dr



Clear Ave

Arcade St

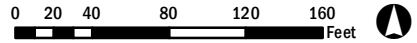


# FILE #20-097-736 Aerial Map Application of NBH Holdings LLC

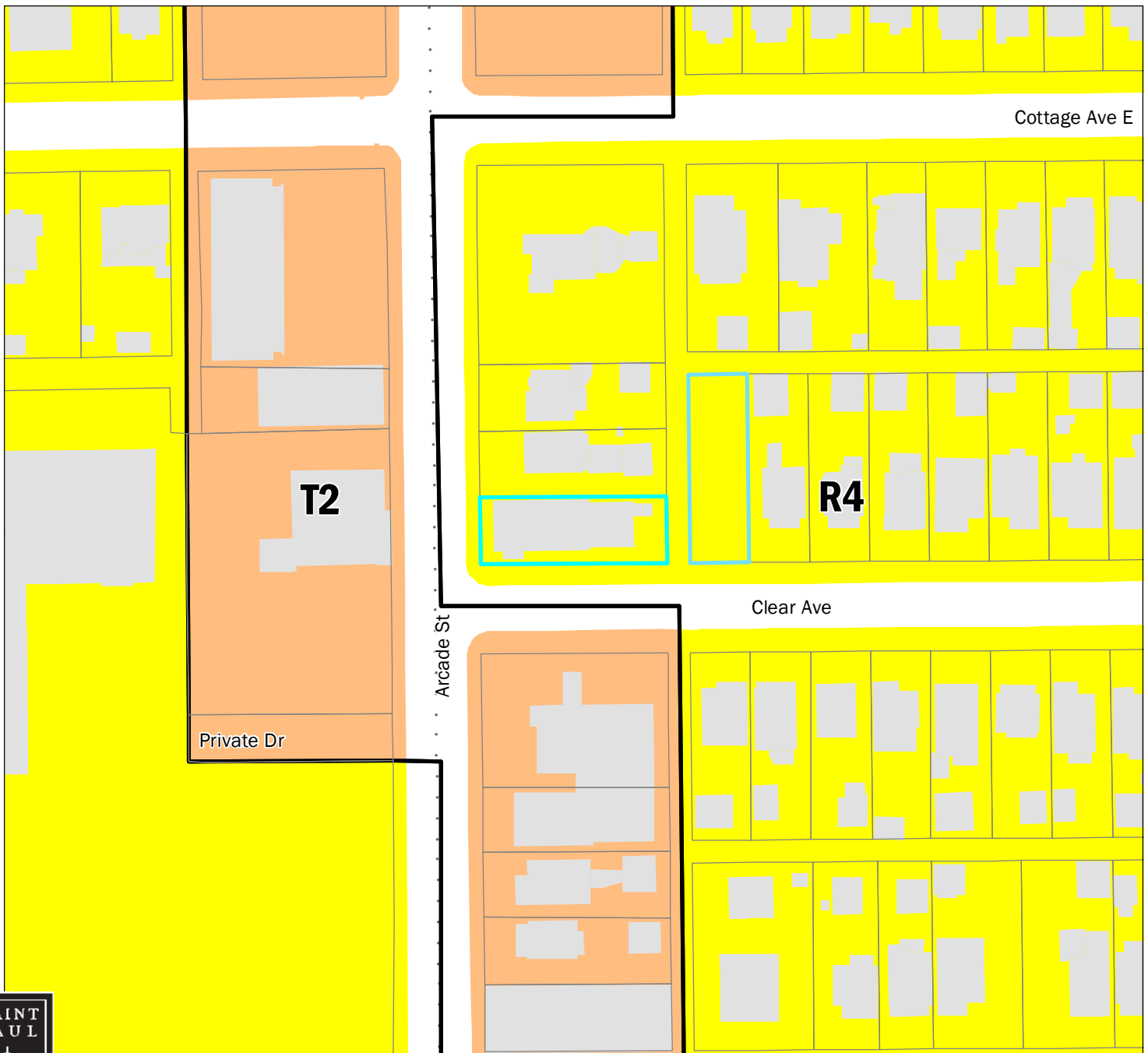
Application Type: Rezone  
Application Date: November 24, 2020  
Planning District: 5

**Subject Parcel(s) Outlined in Blue**

ParcelPoly on

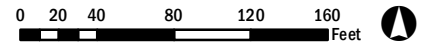


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FILE 20-097-736 Zoning Map  
**Application of NBH Holdings LLC**

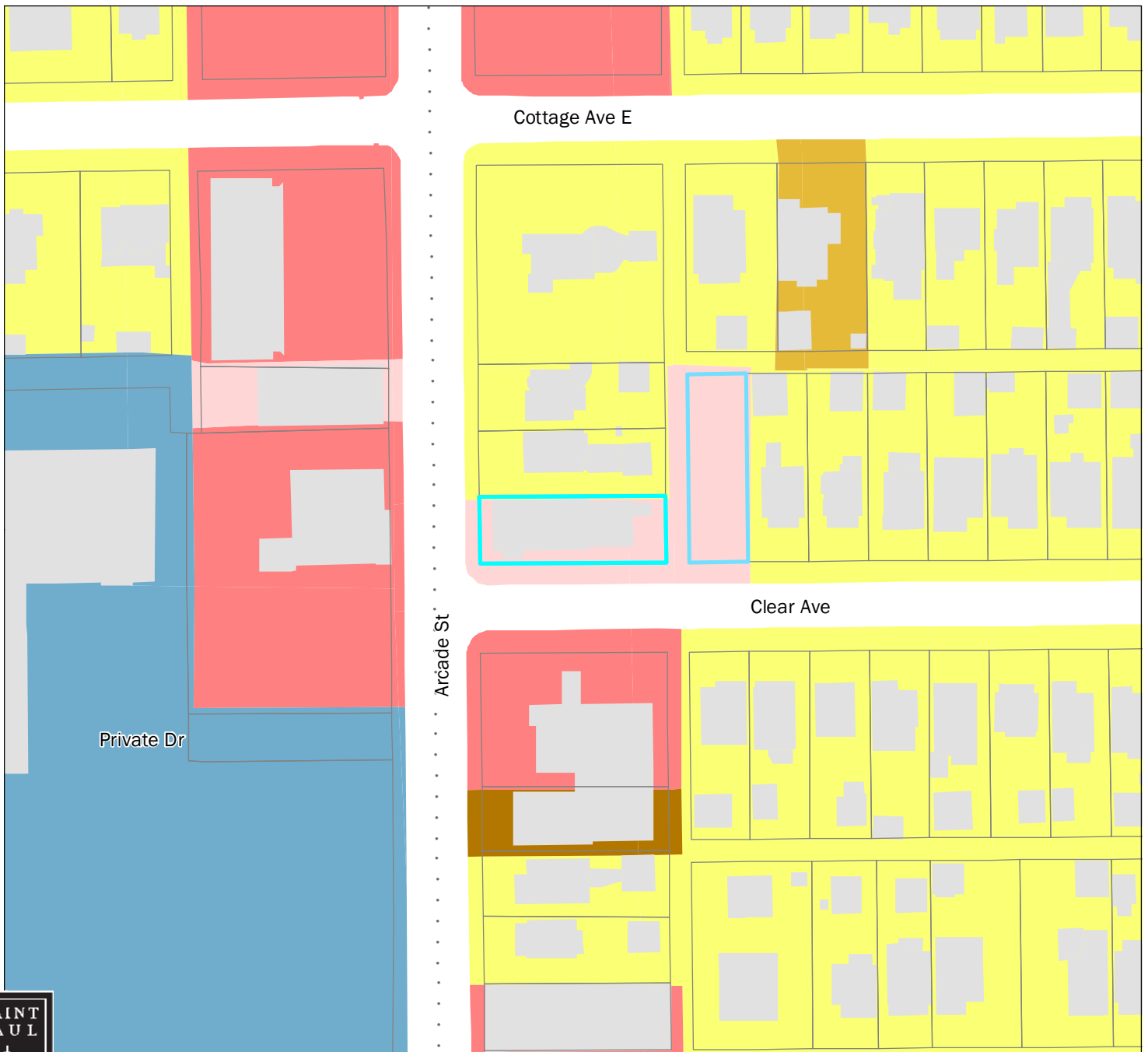
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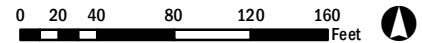
**Subject Parcel(s) Outlined in Blue**

ParcelPoly on	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	
RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential	



FILE 20-097-736 EXISTING LAND USE  
**Application of NBH Holdings LLC**

Application Type: Rezone  
 Application Date: November 24, 2020  
 Planning District: 5



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**Subject Parcel(s) Outlined in Blue**

- |                           |                                |                                |              |
|---------------------------|--------------------------------|--------------------------------|--------------|
| ParcelPoly on             | Multifamily                    | Industrial and Utility         | Railway      |
| Farmstead                 | Office                         | Extractive                     | Airport      |
| Seasonal/Vacation         | Retail and Other Commercial    | Institutional                  | Agricultural |
| Single Family Detached    | Mixed Use Residential          | Park, Recreational or Preserve | Undeveloped  |
| Manufactured Housing Park | Mixed Use Industrial           | Golf Course                    | Water        |
| Single Family Attached    | Mixed Use Commercial and Other | Major Highway                  |              |