

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Gracewood Assisted Living / Franciscan Sisters Site
 2. **APPLICANT:** Franciscan Sisters Of St Paul **HEARING DATE:** November 7, 2013
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 1388 Prior Ave S, NE corner at Norfolk
 5. **PIN & LEGAL DESCRIPTION:** 212823240127; Fairview South Addition Ex E 120 Ft The S 130 Ft Of Fol Blks 3 And 4 Also Vac Sedan St Adj And All N And S Alleys Adj Sd Blks 3 And Blk 4
 6. **PLANNING DISTRICT:** 15 **EXISTING ZONING:** R3
 7. **ZONING CODE REFERENCE:** §61.801(b) ; §66.216
 8. **STAFF REPORT DATE:** October 29, 2013 **BY:** Merritt Clapp-Smith
 9. **DATE RECEIVED:** October 15, 2013 **60-DAY DEADLINE FOR ACTION:** December 14, 2013
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- A. **PURPOSE:** Rezone from R3 One Family Residential to RM2 Multi Family Residential.
- B. **PARCEL SIZE:** 60,572 square feet
- C. **EXISTING LAND USE:** Multi-unit housing for the Franciscan Sisters of Saint Paul
- D. **SURROUNDING LAND USE:** Single-family residential to the north, east and west, and multi-family residential apartments to the south.
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner; §66.216 describes the intent of RM2 districts.
- F. **HISTORY/DISCUSSION:** The property is owned by Franciscan Sisters of Saint Paul. They purchased the property and constructed the current building in 1975 to use for housing and services for the Franciscan Sisters. The building has been vacant and for sale for a couple of years.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 15 Council had not commented at the time of this staff report.
- H. **FINDINGS:**
 1. The applicant proposes to rezone the property from single-family (R3) to multi-family (RM2) to allow reuse and expansion of an existing building (formerly a convent) to an assisted living and memory care facility, which is a conditional use in the RM2 district. The use is consistent with the intent of the RM2 district as defined in Section 66.216, "...to provide for more extensive areas of multiple-family residential development and a variety of congregate living arrangements..."
 2. The proposed zoning is consistent with the way this area has developed. There is a mix of single and multi-family development in the area of two to four stories in height.
 3. The proposed zoning is consistent with the Comprehensive Plan. Strategy 2.18 in the Housing Chapter, which advocates to "Support the expansion of housing choices for seniors," specifically states, "Support rezonings for senior housing development..." and "Provide flexibility for the re-use and/or physical adaptation of existing single-family and multi-family buildings for senior housing."
 4. The proposed use is compatible with the Highlands on Graham multi-family apartment complex across the street.

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 RM2 zoning for this property is consistent with the RM2 zoning of the 2.6 acre Highland on Graham property across the street.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R3 One Family Residential to RM2 Multi Family Residential at 1388 Prior Avenue South.