

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** The Waters Senior Living
 2. **APPLICANT:** Bradshaw Group Inc., Jim Bradshaw **HEARING DATE:** December 12, 2013
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 678 Snelling Ave S, between Scheffer and Eleanor
 5. **PIN & LEGAL DESCRIPTION:** 10-28-23-33-0105; Macarthur E 190 ft of W 240 ft of Part Bet Eleanor Ave and Mac Arthur of SW 1/4 of Sec 10 T 28 R 23 and in SD Mac Arthur W 190 ft of Lot 9 and all of Lot 8
 6. **PLANNING DISTRICT:** 15 **EXISTING ZONING:** B3
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** December 4, 2013 **BY:** Merritt Clapp-Smith
 9. **DATE RECEIVED:** November 21, 2013 **60-DAY DEADLINE FOR ACTION:** January 20, 2014
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- A. **PURPOSE:** Rezone from B3 general business to T3 traditional neighborhood.
- B. **PARCEL SIZE:** 40,580 sq. ft.
- C. **EXISTING LAND USE:** Funeral home (B3)
- D. **SURROUNDING LAND USE:** Commercial (B3) to the west and north; Single-family residential (R4) to the east; Church (R4) 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:** The Waters Senior Living has a purchase agreement to buy and redevelop the Bradshaw Funeral Home (built in 1962) site at 678 Snelling Avenue South into a 4-story senior living facility with 80 units. In addition to the rezoning application, the Waters Senior Living has applied for a variance to the drive lane setback from the adjacent residential property to the east to allow construction of an access drive from Eleanor to the underground parking garage (case #13-253-080).
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 15 had not commented at the time of this staff report.
- H. **FINDINGS:**
 1. The applicant, The Waters Senior Living, proposes to build an 80-unit senior assisted living facility at the site. This use is not a permitted under the current B3 zoning. The applicant seeks rezoning to T3 which permits assisted living and is consistent with the project design.
 2. The proposed zoning is consistent with the way this area has developed. Snelling Avenue South is an arterial roadway and high frequency transit corridor with a mix of commercial, residential and institutional uses. The scale of development within ½ mile of the site ranges from single-story retail to 3 ½ story residential. T3 zoning permits a range of residential and commercial uses, consistent with the existing development pattern and allows heights up to 55 feet for mixed use projects, which is suitable to the scale and width of this section of Snelling Avenue.
 3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Plan map identifies this section of Snelling Avenue as a "Mixed Use Corridor" appropriate for a range of uses at densities of 30-150 units per acre. This project proposes 80 units on

0.93 acres. In the Housing Chapter, Figure H-K identifies this part of Snelling as an *"opportunity area for potential new housing"* and Strategy 2.18(b) states *"Support rezoning for senior housing development that makes the most use of the City's developable land..."*

4. The proposed zoning is compatible with the mix of uses along Snelling Avenue South which includes a variety of multi-family housing.
 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."* Rezoning to T3 for this site is consistent with the mix of uses in the area and allows for a density and size that is appropriate for this major transportation corridor. It is compatible with the nature and scale of RM2 zoning, which is the predominant district along with B3 on this section of Snelling Ave.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B3 general business to T3 traditional neighborhood.



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) 268-6889

Zoning Office Use Only
 File #: 13-253015
 Fee: 1200.00
 Tentative Hearing Date:
12-12-13

PD:

#-102823330105

APPLICANT

Property Owner BRADSHAW FUNERAL HOME
 Address 678 SNELLING AVENUE SOUTH
 City St. Paul Zip 55116 Daytime Phone 651.434.5511
 Name of Owner (if different) _____
 Contact Person (if different) JIM BRADSHAW Phone 651.234.1830

↳ JAY DENSEN/WATERS SENIOR LIVING 952.858.5110

PROPERTY LOCATION

Address/Location 678 SNELLING AVENUE SOUTH
 Legal Description SEE ATTACHED SURVEY
 Current Zoning B3
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(6) of Minnesota Statutes,

JIM BRADSHAW, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a B3 zoning district to a zoning ^{T3, mixed-use} district, for the purpose of:

ALLOWING A SENIOR LIVING BUILDING, PROVIDING ASSISTED LIVING AND MEMORY CARE SERVICES, TO BE BUILT ON THE SITE. THIS USE IS NOT PERMITTED WITHIN THE CURRENT B3 ZONING.

THE DESIGN OF THE PROPOSED SENIOR LIVING BUILDING FITS WELL AND SUPPORTS THE INTENT OF THE T3 ZONING, AS OUTLINED IN SEC. 66.34

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit
 NOT APPLICABLE

Subscribed and sworn to before me

this 21st day

of November, 2013

Margaret Ahles

Notary Public



By: [Signature]
Fee owner of property

Title: PRESIDENT

THE BRADSHAW GROUP, INC.

BRIMHALL ST

SCHEFFER AVE

SNELLING AVES



(105)

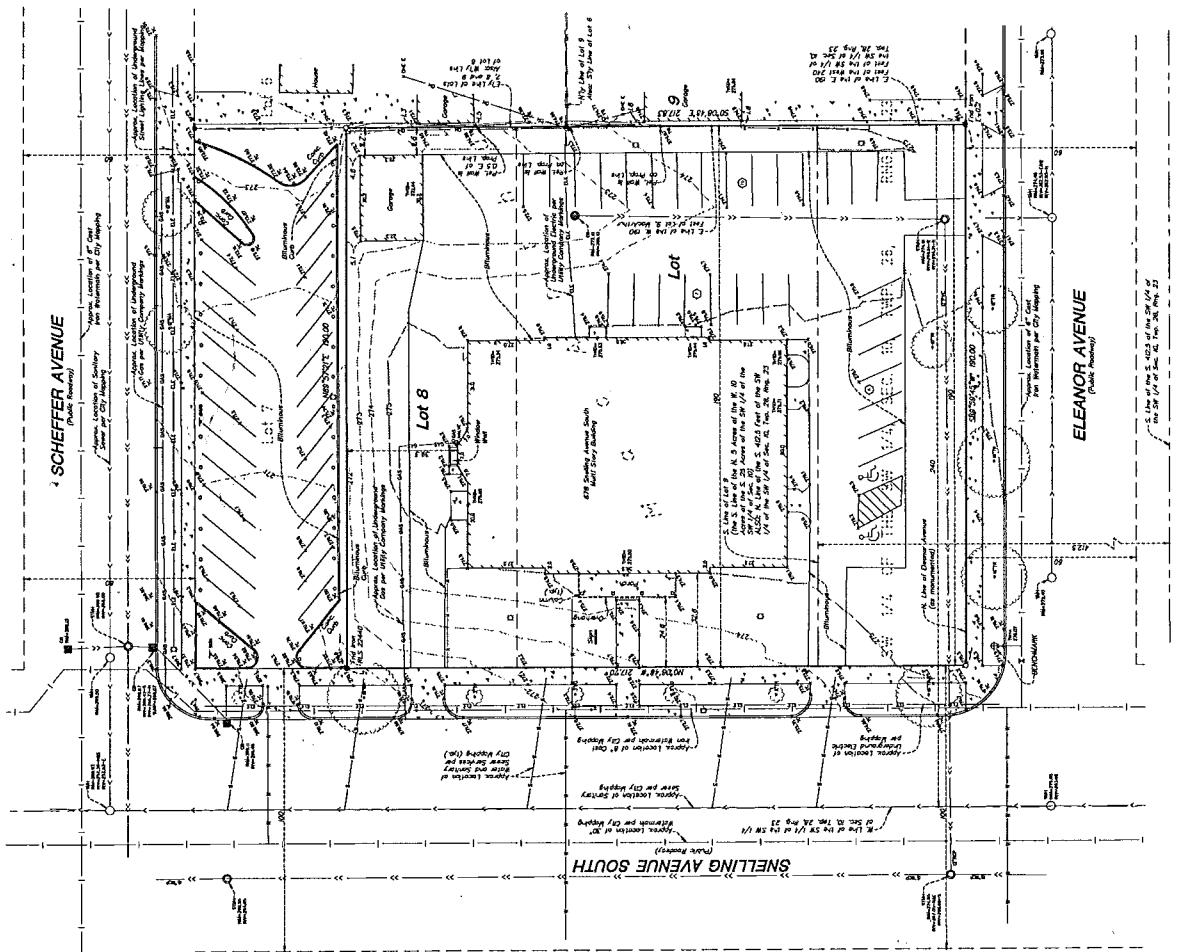
ELEANOR AVE

HIGHLAND PKV

678 Snelling Avenue South

DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

Lot 8 and the Western 1/4 of Section 10, Township 26, Range 23, Ramsey County, Minnesota.
The Eastern 1/4 of the Western 2/4 of the part lying North of Eleanor Street of the South 415.5 feet of the Southwest Quarter of the Southwest Quarter of Section 10, Township 26, Range 23, Ramsey County, Minnesota.
Torrens Certificate No. 262755



St. Paul, Minnesota
The Waters Senior Living, LLC
1600 Hopkins Crescent
Minnetonka, MN 55305

ALTA/MCSA OPTIONAL TABLE A NOTES

- The property is contained in unprinted Flood Insurance Rate Maps, Community Panel No. 271256051G (no special flood hazard area).
- The Gross lot area is 41,375 +/- square feet or 0.94 +/- acres.
- Existing dimensions of the buildings are shown at ground level.
- The number of parking stalls on the site are as follows: 28 Regular + 2 Handicap = 30 Total Parking Stalls.
- We have shown bonded structures and utilities on and/or serving the site to the best of our ability, subject to the following restrictions:
 - Utility operations do not consistently respond to locate requests through the Copper State One Call service for those utilities that do not have a participating utility.
 - Those utility operations that do respond often will not locate services from their main line to the customer's structure or facility. They consider those operations private intrusions that are outside their jurisdiction. It is a private service to those operations and will not mark such "private" work.
 - Some of the conditions during water main work may include the installation of a buried structure or utility.
 - Structures and utilities shown are based on information provided to us by the utility companies, and we do not warrant or guarantee the accuracy of such information.
 - THE ABOVE INFORMATION SHOULD BE RECORDED BY LAND TO NOTIFY OWNERS STATE ONE CALL AT LEAST 48 HOURS IN ADVANCE AT 857/654-0002.
 - The Copper State One-Call Ticket No. is 7103 882-3311

LOUCKS ASSOCIATES
Professional Surveyors
1743 Maple Street, Suite 200
St. Paul, MN 55109
(612) 292-3141
www.loucksassociates.com

SURVEY REPORT

The property depicted on this survey and the easements of record shown hereon are the same as the property and the easements of record shown on the plat of the Survey of the Commercial Section 10A, L12-28-387-01 Sheet, Title Guaranty Company, File No. 37897, dated September 20, 2013.

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The following remains reference items in Schedule B of the herein referenced Title Commitment:
a) Item nos. 1 - 18 are not survey related items.

To The Waters Senior Living, LLC, The Bradshaw Group, Inc., a Minnesota corporation; Commercial Pattern Title, LLC and Stewart Title Guaranty Company.
This is to certify that this map and plat was made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/MCSA Land Title Surveys promulgated and adopted by ALTA and NSRS in 2011, and includes Items 1-4, 7, 8, 9 and 11(a) of Item A thereof. The work was completed on October 17, 2013.
Date of Plat or Map: October 15, 2013

ALTA/MCSA Land Title Survey
with Topography

DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

Lot 8 and the Western 1/4 of Section 10, Township 26, Range 23, Ramsey County, Minnesota.

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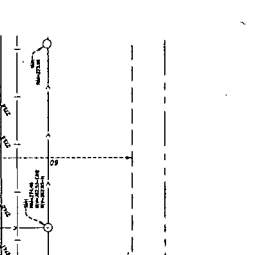
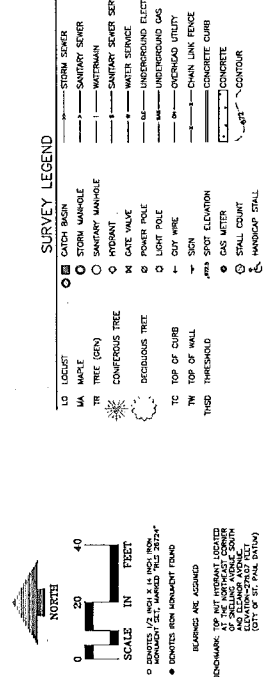
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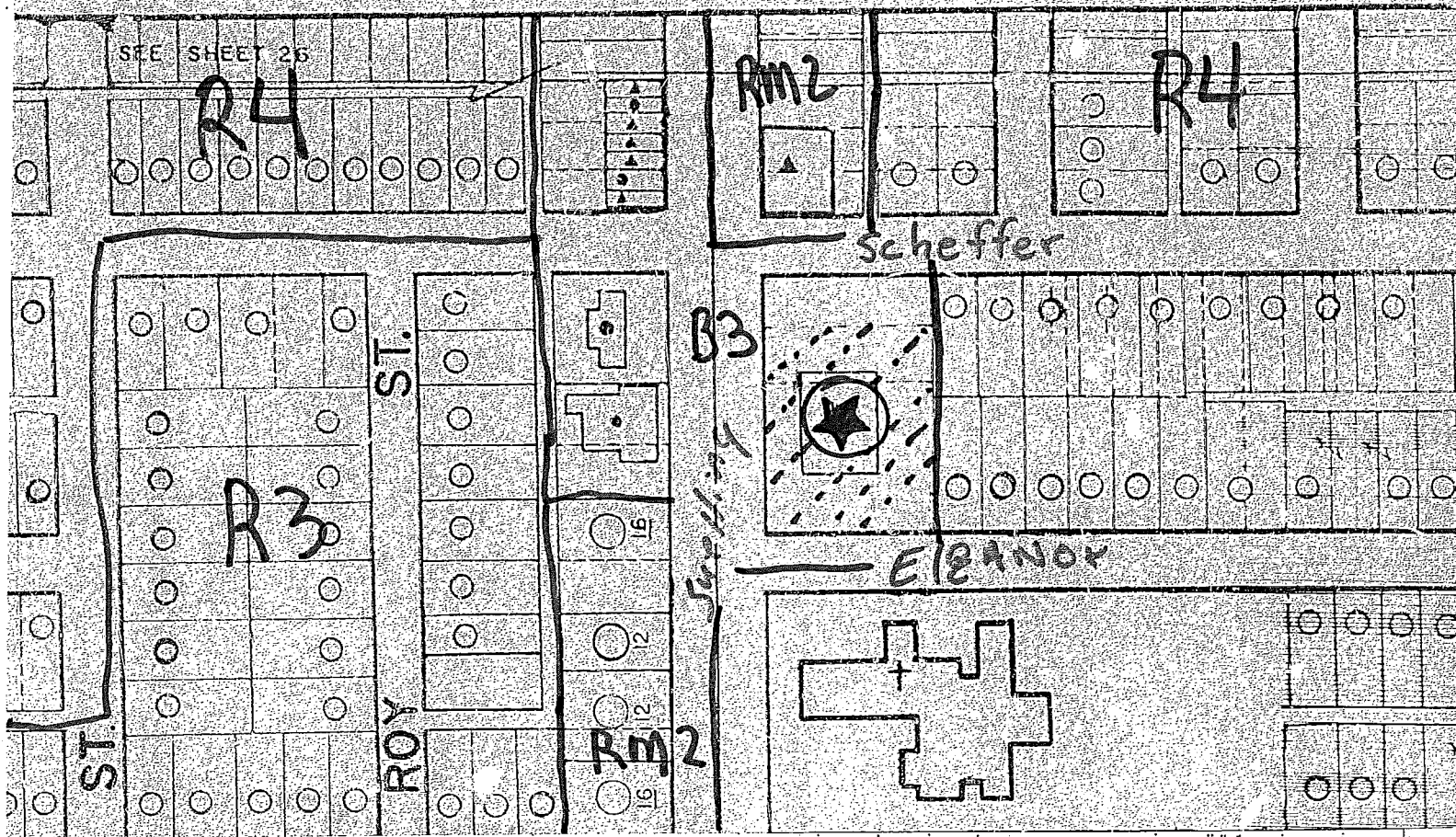
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ALTA/MCSA Land Title Survey
with Topography

DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

Lot 8 and the Western 1/4 of Section 10, Township 26, Range 23, Ramsey County, Minnesota.





APPLICANT Bradshaw Group
 PURPOSE Rezone B3 → T3
 FILE # B-253015 DATE 11-25-13
 PLNG. DIST. 15 Land Use Map # 34
 SCALE 1" = 400' Zoning Map # 20

- LEGEND
- zoning district boundary
 - subject property
 - one family
 - two family
 - multiple family
 - commercial
 - industrial
 - vacant



