

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, December 12, 2013 3:30 P.M.  
City Council Chambers, Room #300  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF NOVEMBER 21, 2013, ZONING COMMITTEE MINUTES  
SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)**

**OLD BUSINESS**

- 1 13-247-474 BLD Property Management**  
Establishment of legal nonconforming use status as an administrative office  
260 Aurora Avenue, between Galtier and Marion  
RT2  
Hilary Holmes 651-266-6612

**NEW BUSINESS**

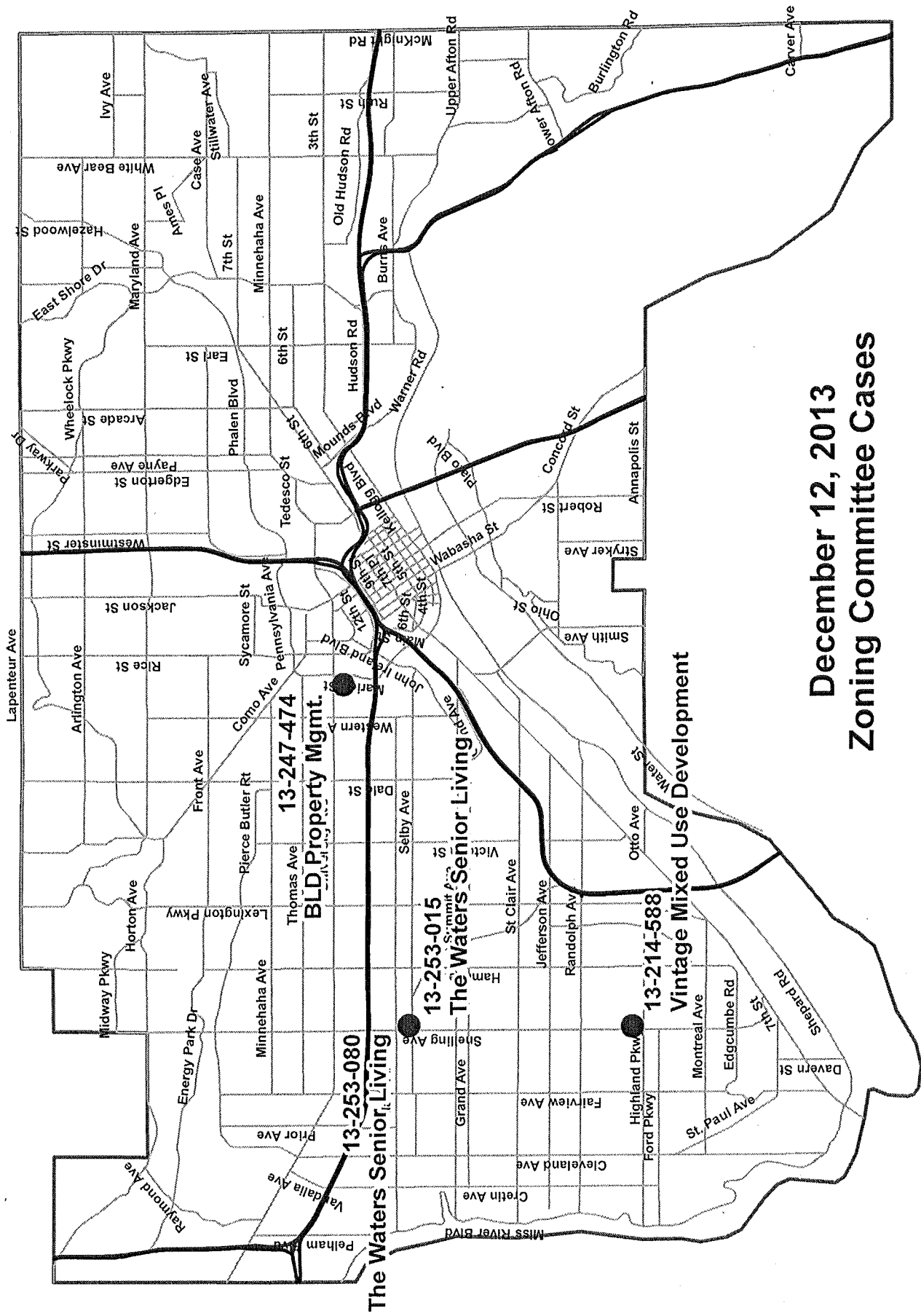
- 2 13-253-015 The Waters Senior Living**  
Rezone from B3 general business to T3 traditional neighborhood  
678 Snelling Ave S, between Scheffer and Eleanor  
B3  
Merritt Clapp-Smith 651-266-6547
- 3 13-253-080 The Waters Senior Living**  
Variance for driveway setback  
678 Snelling Ave S, between Scheffer and Eleanor  
B3  
Merritt Clapp-Smith 651-266-6547
- 4 13-214-588 Vintage Mixed Use Development**  
Site plan review for The Vintage mixed-use development  
1573 Selby Ave  
B2  
Tom Beach 651-266-9086

**ADJOURNMENT**

Information on agenda items being considered by the Zoning Committee can be found online at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), then Planning, then Zoning Committee.

**ZONING COMMITTEE MEMBERS:** Call Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



**December 12, 2013  
Zoning Committee Cases**

**13-247-474  
BLD Property Mgmt.**

**13-253-080  
The Waters Senior Living**

**13-253-015  
The Waters Senior Living**

**13-214-588  
Vintage Mixed Use Development**



CITY OF SAINT PAUL  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6626  
Facsimile: 651-228-3341*

To: Zoning Committee  
From: Hilary Holmes, City Planner  
Date: December 5, 2013  
Re: 260 Aurora NCUP Application

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Chair Nelson and Committee Members,

City staff Allan Torstenson, Peter Warner and Hilary Holmes have scheduled meetings with Louis Henry, owner of 260 Aurora Avenue, and his son Courtney Henry on Monday December 9<sup>th</sup> and Wednesday December 11<sup>th</sup> to discuss further information to be provided by the applicant as well as options regarding their application. Therefore, there is no new information to distribute at this time.

Thank you,  
Hilary Holmes  
651-266-6612  
[hilary.holmes@ci.stpaul.mn.us](mailto:hilary.holmes@ci.stpaul.mn.us)

Paul Williams-Deputy Mayor

City of St.Paul

390 City Hall  
15 W. Kellogg Blvd.  
Saint Paul, MN 55102

Dear Paul:

I am writing to support a request for variance for Louis Henry and his MacDonald's office. I have known Mr. Henry for almost 2 decades. When I met Mr. Henry University Ave was a virtual wasteland that no one seems to want except the gang members, drug addicts and prostitutes who regularly strolled down St.Paul's primary economic corridor. I was a district commander running West and Henry and I met to discuss a community policing strategy to reduce crime and disorder in the area. I can tell that in those days there were not many businessmen that came to the table when I called to ask about partnerships to solve a quality of life problems, but Mr. Louis Henry was there right from the very beginning. He was there when not very many other folks believed we could turn University around. He was there when dope dealers and bad guys and hookers took our enforcement strategy out on his property by breaking windows and making threats and he was there supporting our earliest attempts at youth diversion and gang prevention providing jobs for some of the same guys that a few months before had stood out in front of place smoking a joint and considering how to rob his customers. Not only with Pal and Good game was Henry a stalwart supporter of Summit University and midway community efforts but he has continued these efforts with the Selby beat, Police juvenile Unit and beyond.

When I became Chief of Police I partnered with several people to create the St.Paul Police foundation. When we were looking for a board to support and direct the foundation. Louis Henry again stepped up and joined us. He was an anchor in those early days and both contributed financially and brought his colleagues in business to support the new foundation and through it to support the St.Paul police department efforts to protect and serve the saintly city.

As I was starting to wind down my time as Chief of police, we were embarking on the SAGA process (Stop Armed Gang assaults). That effort resulted in 24 months of zero gun play between the East side boys and Selby Side gangs. Once again when I needed support Louis Henry and his company was asked to support the city's efforts to reduce violent crime and once again he put ESB's to work, helped with interviews and supported an effort that resulted in the lowest homicide number in 30 years.

In the last few years having left SPPD and taken on the challenge of elected office and running a nonprofit I have had occasions to ask Louis Henry for his assistance. While in the MN Senate Henry was an esteemed colleague who helped give me the stories to support legislation for summer youth job bills and economic development requests that the city asked me to work on. He also as I began the process of starting Ujamaa place was again willing to support my young men by giving them jobs and meeting with them at his office to help mentor and guide them out of a life of crime and into a productive

future. There are many people and places that have made the city of St.Paul into one of the most livable cities in the US and I can say that Louis Henry and his MacDonald operation has helped keep the peace and has helped innumerable young people get out of a bad situation and has given them the means to become productive citizens of St.Paul. Based on this body of work and the history of the use of this property I would strongly encourage the city to permit Louis Henry to continue his operation at its current location. The city owes a debt of gratitude to Mr. Henry and his business and this act would show good faith to one St.Paul stellar citizens.

Yours Truly :

Senator John M Harrington

Retired Chief of Police

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** BLD Property Management **FILE #** 13-247-474
  2. **APPLICANT:** BLD Property Management **HEARING DATE:** November 21, 2013
  3. **TYPE OF APPLICATION:** NUP - Establishment
  4. **LOCATION:** 260 Aurora Ave, Southeast corner at Galtier
  5. **PIN & LEGAL DESCRIPTION:** PID 36-29-23-41-0030, Florence Addition to St. Paul, W 1/2 of Lot 10 and all of Lot 11, Blk 3
  6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RT2
  7. **ZONING CODE REFERENCE:** Sec. 62.109(a)
  8. **STAFF REPORT DATE:** November 13, 2013, (revised November 18, 2013) **BY:** Hilary Holmes
  9. **DATE RECEIVED:** November 4, 2013 **60-DAY DEADLINE FOR ACTION:** January 3, 2014
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- A. **PURPOSE:** Establishment of legal nonconforming use status as an administrative office.
- B. **PARCEL SIZE:** 6815 sq. feet (56 ft. frontage on Aurora, 121.69 ft. frontage on Galtier)
- C. **EXISTING LAND USE:** Administrative Office
- D. **SURROUNDING LAND USE:**  
North: Single family residential (RT2),  
Commercial (T3); South: Single family and multifamily residential (RT2, RM2);  
East: Single and multifamily residential, surface parking (T3);  
West: Institutional/Single family residential (RT2)
- E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status.
- F. **HISTORY/DISCUSSION:** The property at 260 Aurora was purchased by the applicant, Louis Henry, in 1995. Mr. Henry and his attorney communicated with city staff in Licensing, Inspections and Environmental Protection (LIEP) in September 1995 regarding the use of the residential property as an office for a small franchise of McDonald's restaurants that are owned by Mr. Henry's company, BLD Property Management (Franchise Food Systems of Minnesota). The proposed office use at that time included administrative functions, staff meetings and training. At that time Mr. Henry and his attorney were informed by city staff that the office use was not a permitted use in the residential zoning district. No applications were submitted for a non-conforming use permit or rezoning, and the house remained zoned RT2. In October 2013 City fire inspectors visited the property to conduct an inspection of the property as a residential rental property, at which time they discovered that the house was in use as an administrative office with no residential use. For tax purposes, Ramsey County records have the property class listed as residential non-homesteaded.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council had not made a recommendation at the time this report was prepared.
- H. **FINDINGS:**
  1. The applicant, BLD Property Management, has applied for a permit to establish legal nonconforming use status for an administrative office at 260 Aurora Avenue.
  2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to uses or structures if the commission makes the following findings. The findings and the applicant's ability to meet them are as follows:
    - (1) *The use or a nonconforming use of similar or greater intensity permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application.* Franchise Food Systems of Minnesota has conducted business at this address since at least 2001. This applicant has

provided invoices dated 2001 and 2002 that are billed to this address as evidence. This finding is met.

- (2) *The off-street parking is adequate to serve the use.* There are two parking spaces available in a garage with access off of the alley, as well as a surface parking lot owned by McDonald's located at the NW corner of Aurora and Marion that serves this use. This finding is met.
- (3) *Hardship would result if the use were discontinued.* Use of the property for residential and/or other uses permitted in the RT2 district provide for reasonable use of the property. This finding is not met.
- (4) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* Rezoning this property, which is on a residential street and surrounded by residential zoning, would be spot zoning. This finding is met.
- (5) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* The use has not changed the exterior character of the property and will not be detrimental to the existing character of the area, nor will it endanger the public health, safety, or general welfare. This finding is met.
- (6) *The use is consistent with the comprehensive plan.* The Generalized 2030 Land Uses Map (Figures LU-B and LU-L) in the Land Use chapter of the Comprehensive Plan shows this property on the edge of a mixed use corridor (where a mix of uses is supported) and an established neighborhood (where the prevailing character is to be supported). The city-wide Land Use Plan and Generalized 2030 Land Uses Map refer to adopted small area plans and district plans for more specific guidance for development in areas where they apply. Central Corridor LRT Station Area Plans were adopted with a primary aim of managing and influencing change along the corridor. Areas of change and areas of stability were identified and refined through the station area planning process. The Rice Station Area Plan (adopted in 2008) shows the property at 260 Aurora in an area of stability, where significant change should be prohibited, with an emphasis instead on preserving and strengthening the integrity and character of the residential neighborhood. Change of the house at 260 Aurora to office use is not consistent with this. This finding is not met.
- (7) *A notarized petition of two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* The petition was found sufficient on November 7, 2013: 15 parcels eligible; 10 parcels required; 10 parcels signed. This finding is met.

- I. **STAFF RECOMMENDATION:** Based on findings 3 and 6, staff recommends denial of the application for establishment of legal nonconforming use status as an administrative office at 260 Aurora Avenue.



**NONCONFORMING USE PERMIT APPLICATION**  
 Department of Planning and Economic Development  
 Zoning Section  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

**RECEIVED**  
 OCT. 29. 2013  
 Per \_\_\_\_\_

Zoning Office Use Only  
 File #: 13-247-474  
 Fee: 700.00  
 Tentative Hearing Date:  
11-21-2013

**APPLICANT**

Name BLD Property Mgmt  
 Address 260 Aurora Ave  
 City ST Paul St. MN Zip 55103 Daytime Phone 651-224-2000  
 Name of Owner (if different) Louis and Brend Henry  
 Contact Person (if different) Linda Buchal Phone 651-224-2000  
 Cell 651-335-9826

**PROPERTY LOCATION**

Address/Location 260 Aurora Ave (PID 36-29-23-01-0030)  
 Legal Description Florence Addition to ST Paul W 1/2 of lot 10 & all of Lot 11 Blk 3 1 Current Zoning Residential class B  
 (attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for:
- Change from one nonconforming use to another (para. c)
  - Re-establishment of a nonconforming use vacant for more than one year (para. e)
  - Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
  - Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use Business management office

Proposed Use \_\_\_\_\_

Attach additional sheets if necessary

**RECEIVED**  
 OCT. 29. 2013  
 Per \_\_\_\_\_

Attachments as required  Site Plan  Consent Petition  Affidavit

Applicant's Signature [Signature] Date 11/28/2013 City Agent \_\_\_\_\_



Response to Bullet point on the Nonconforming Use Permit

1. The use of 260 Aurora Ave does occur within an existing structure. All of the functions of this office are done solely on its property and doesn't interfere with any of the neighbors or adjacent healthcare business across the street.
2. The use of the property has been in existence continuously for the past 15 years. This can be shown by various forms from invoices paid, talking to the neighbors, talking to long term employees who have been at this location for the same period.
3. The off street parking is adequate. The office Employees Park at the McDonald's at 471 Marion St. which is a ½ block away so they don't interfere with neighborhood parking.
4. Extreme hardship would be devastating if the current use was not permitted. The operating entity owns and operates 2 McDonald's restaurants along University Avenue which has been crippled over the last 3 years by Lite Rail construction which has forced many other businesses to close. Having to find commercial office space that is not needed is simply an expense that we can't afford after having the 3 worse years our history. Small businesses also have unknown healthcare costs over the next years that are hard to put a financial figure on.
5. We are not asking for re-zoning, just a non-conforming use permit.
6. The use is no way detrimental to the existing character of development in the immediate neighborhood or endangers the public health, safety, or general welfare. It's our opinion that us being here enriches the neighborhood. There have been many foreclosures, vacant homes, and deteriorating properties in the Frog Town neighborhood over the last couple of years. Us being here and maintaining our property as we have been helps the area, not hurt it.
7. The use is consistent with the comprehensive plan, to continue using the property at 260 Aurora as our business office.
8. We have 11 property owners that have willing signed the petition for us to obtain the non-conforming use permit and continue as we have for the past 15 years.

Louis and Brenda Henry  
Property Owners  
260 Aurora Ave  
St. Paul, MN 55103

INVOICE



Business Credit

11100 Wayzata Boulevard, Suite 801  
 Minnetonka, MN 55305  
 800/844-9457

FRANCHISE FOOD SYSTEMS OF MINN  
 260 AURORA AVENUE  
 SAINT PAUL, MN 55103

DATE OF INVOICE: 01/12/2001  
 INVOICE NUMBER: [REDACTED]

PAYMENTS ARE DUE ON DUE DATE. LATE CHARGE WILL BE ASSESSED IF PAYMENT IS NOT RECEIVED BY 5TH DAY PAST DUE DATE.

CONTRACT NO.	DESCRIPTION	CONTRACT/PAYMENT	SALES/USE TAX	LATE CHARGES	TOTAL DUE
0004224-001	DATE DUE 02/01/01	237.41	16.62		254.03
0004241-001	DATE DUE 02/01/01	276.35	19.34		295.69
<b>TOTAL DUE</b>					<b>549.72</b>

IF THERE IS A CHANGE IN INVOICING ADDRESS OR EQUIPMENT LOCATION PLEASE COMPLETE REVERSE SIDE.

RETURN THIS PORTION WITH CHECK PAYABLE TO

This is an informational invoice. DO NOT PAY THIS INVOICE. We will ACH your account on the due date for the total amount due.

INVOICE NO.	CONTRACT NO.	TOTAL DUE
[REDACTED]	[REDACTED]	254.03
	DATE DUE 02/01/01	
	[REDACTED]	295.69
	DATE DUE 02/01/01	

FRANCHISE FOOD SYSTEMS OF MINN  
 260 AURORA AVENUE  
 SAINT PAUL, MN 55103

RETURN THIS PORTION

TOTAL DUE 549.72



11100 Wayzata Boulevard, Suite 801  
 Minnetonka, MN 55305  
 800/844-9467

ATTN: A/P  
 Franchise Food Systems of Minn  
 260 Aurora Avenue  
 SAINT PAUL, MN 55103

INVOICE

DATE OF INVOICE: 01/29/2002  
 INVOICE NUMBER: 144943

PAYMENTS ARE DUE ON DUE DATE. LATE  
 CHARGE WILL BE ASSESSED IF PAYMENT IS  
 NOT RECEIVED BY 5TH DAY PAST DUE DATE.

CONTRACT NO.	DESCRIPTION	CONTRACT/PAYMENT	SALES/USE TAX	LATE CHARGES	TOTAL DUE
[REDACTED]	Kitchen Equipment				
	H&K and Kopco				
	DATE DUE 03/01/02	654.65			654.65
	DATE DUE 02/01/02	654.65			654.65
<b>TOTAL DUE</b>					<b>1,309.30</b>

IF THERE IS A CHANGE IN INVOICING ADDRESS OR  
 EQUIPMENT LOCATION PLEASE COMPLETE REVERSE SIDE.

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 10-29-13

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: 15

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS REQUIRED: 10

PARCELS REQUIRED: \_\_\_\_\_

PARCELS SIGNED: 10

PARCELS SIGNED: \_\_\_\_\_

CHECKED BY: Paul Dubraiel

DATE: 11-7-13

Att

**CITY OF SAINT PAUL**

**CONSENT OF ADJOINING PROPERTY OWNERS FOR A  
NONCONFORMING USE PERMIT**

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of BLD Properties McDonalds  
(name of applicant)

to establish a office of administration  
(proposed use)

located at 260 Aurora Ave ST Paul, MN 55103  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
253 Fuller Ave	Debra Moady	<i>[Signature]</i>	10/22/2013
247 Fuller Ave	Melba R. Cyria	<i>[Signature]</i>	10/22/13
263 Aurora Ave	Eugene Readet	<i>[Signature]</i>	10-22-13
259 Fuller AV	James & Sally Jacques	<i>[Signature]</i>	10-22-13
261 AURORA	LAURA L PERDUE	<i>[Signature]</i>	22OCT 2013
244 AURORA AVE	Thai King	<i>[Signature]</i>	10-22-13
248 Aurora Ave	Joetta Schlabach	<i>[Signature]</i>	10-22-13
254 Aurora Ave	Antell Hutchinson	<i>[Signature]</i>	10-23-13
243 Fuller AVE	<i>[Signature]</i>	<i>[Signature]</i>	10/23/13
245 Fuller AVE	Donny Lindquist	<i>[Signature]</i>	10/23/13
445 GALTIER ST	Zorby Tom THORSON	<i>[Signature]</i>	10-25-13

**NOTE:** All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL  
USE PERMIT OR A NONCONFORMING USE  
PERMIT

STATE OF MINNESOTA)

SS

COUNTY OF RAMSEY)

The petitioner; Louis C. Henry, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; 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; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and 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.

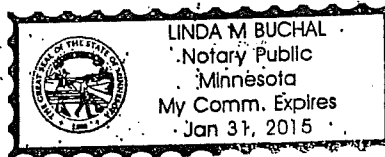
Louis C. Henry  
NAME

2220 Kenwood Court  
ADDRESS Maplewood MN 55117

651-335-9026 (cell)  
TELEPHONE NUMBER

Subscribed and sworn to before me this

28 day of Oct, 2013



Linda M. Buchal  
NOTARY PUBLIC

# CITY OF SAINT PAUL

## AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY )

Shereda SCOTT, 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 that the parties described on the consent petition are the 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 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; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

Shereda SCOTT

NAME

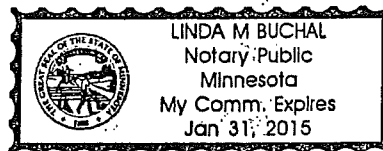
1996 County Rd D #303

ADDRESS Maplewood MN 55109

651-587-2103

TELEPHONE NUMBER

Subscribed and sworn to before me this  
28 day of October, 2013.



Linda M Buchal

NOTARY PUBLIC

## Holmes, Hilary (CI-StPaul)

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**From:** Laura Perdue <perdu002@umn.edu>  
**Sent:** Tuesday, November 12, 2013 12:54 PM  
**To:** Holmes, Hilary (CI-StPaul)  
**Subject:** File # 13-247-474

Ms Holmes,

I am a homeowner in the neighborhood of the address listed for the zoning meeting on Thursday 21 November. In fact, the address is 260 Aurora Avenue and I live across the street at 261. Please accommodate the McDonald's office in whatever way is best for them. They have been consistently great neighbors (sidewalk shoveling, yard maintenance) and are a friendly group. In short, no complaints of any type. I hope we can keep great neighbors happy!

Thanks for your time on this.

Laura L Perdue  
261 Aurora Avenue  
Saint Paul, MN 55103  
651-224-8308



OFFICE OF LICENSE, INSPECTIONS AND  
ENVIRONMENTAL PROTECTION

Robert Kessler, Director

*File*



CITY OF SAINT PAUL

Norm Coleman, Mayor

LOWRY PROFESSIONAL

BUILDING

Suite 300

350 St. Peter Street

Saint Paul, Minnesota 55102-1510

Telephone: 612-266-9090

Facsimile: 612-266-9099

612-266-9124

September 27, 1995

Louis C. Henry  
Franchise Food Systems of Minnesota, Inc.  
471 Marion Ave S.  
St. Paul, Mn. 55103

RE: 260 Aurora Ave.

Dear Mr. Henry:

Thank you for your letter of September 23 regarding your proposed office use at the referenced address. First of all, let me assure you that Mayor Coleman and all of us in city government, are working to provide a safe, clean, attractive environment for business and residents in St. Paul.

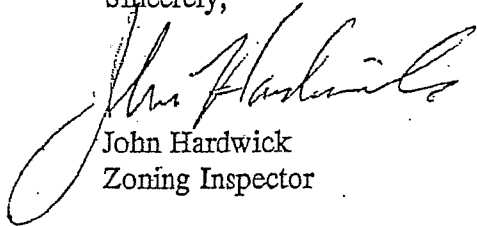
The referenced property is located in an RT-2, townhouse residential, zoning district. As noted in the information sheet, home businesses are allowed in residential districts provided that they meet certain conditions and that they don't change the residential character of the neighborhood. Your proposed use, as explained to me by Mr. Ritter, is a use that is more appropriate in a commercial or office zoning district. Although Mr. Ritter does not mention it in his letter to you, I did point out to him that there are some alternatives. First, you may consider rezoning the property for office use. As you pointed out in your letter, it is adjacent to several businesses. I referred Mr. Ritter to Kady Dadlez, 266-6582, in our planning office for information on the rezoning process. I also referred Mr. Ritter to the business development division of PED, 266-6655. They may be able to assist you in finding a suitable alternative location for your office.

Mayor Coleman has formed a Business Review Council, made up of members of the business community, city staff and community residents, to review regulations affecting businesses. If there is a specific regulatory issue you think needs to be addressed you are welcome to bring it to the attention of the council by contacting Robert Kessler, Director of LIEP, who also serves as staff to the council.

Once again let me assure you that the City of St. Paul welcomes business and industry and we are committed to making St. Paul a great place to live and do business.

If you have any questions concerning this matter you may contact me at 266-9082.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hardwick". The signature is written in dark ink and is positioned above the printed name and title.

John Hardwick  
Zoning Inspector

cc: Mayor Coleman  
Robert Kessler



FRANCHISE FOOD SYSTEMS OF MINNESOTA, INC.

471 Marion Ave. S.  
St. Paul, MN 55103  
(612) 224-7535  
FAX (612) 224-1696

September 23, 1995

Mayor Norm Coleman  
City of St. Paul  
390 City Hall  
St. Paul, MN 55102

Dear Mayor Coleman,

A while back I discussed with you that the city and business should be able to work together for the betterment of the total St. Paul community. As a businessman and a member of the private industry of St. Paul, the community is very important to me. I sometimes feel that in some instances the city government really works against business and the community as a whole. The following is a case and point. I am considering having a private office in the community basically to have a place to do paperwork, payroll and a place to meet with my store managers. I wanted to purchase a VACANT house behind the Marion Store at 260 Aurora. We know what has happened to some vacant homes in these neighborhoods. They have been boarded up and some are turned into crack houses. It is important to me to invest in the community. I didn't feel zoning would be a problem because in the first three blocks of Aurora are a large nursing home, a parking lot, an apartment, a chiropractic office and a union trade's building. We were initially told it may be a possibility of getting a home occupation residence use permit if someone involved in the business resided there, which could have been met. I have attached a copy of the guide lines. It appears that we are being turned down because I may occasionally have the store managers over for a meeting or orientations which may include 3 to 5 people. There are houses on Aurora where 10 to 15 people are living in a single dwelling. Mayor, take a look at the area you can see that property is deteriorating, many houses are in disrepair, houses are For Sale and some houses in the area were torn down. I became interested in a vacant house because Minneapolis has been trying to get businesses and individuals to invest in vacant houses in that city. I felt it was good idea. Even though I operate stores in Minneapolis, I wanted to be in St. Paul, It would be real easy to go to White Bear Lake, Maplewood or Roseville. I felt it was important to make a statement in the inner city.

In dealing with city government there seems to be very little flexibility. History has shown us what happens when property is vacant and the neighborhood deteriorate. In the long run it cost the city more.

#7494  
471 Marion Ave. S.  
St. Paul, MN 55103  
(612) 224-7535

#7563  
2400 Nicollet Ave. S.  
Minneapolis, MN 55404  
(612) 870-9706

#3483  
Midway Shopping Center  
1468 University Ave.  
St. Paul, MN 55103  
(612) 647-1777

#3525  
2213 University Ave.  
St. Paul, MN 55114  
(612) 644-8333

#7063  
4435 Lyndale Avenue North  
Minneapolis, MN 55412  
(612) 521-7122

Mayor, you have always been extremely fair, progressive and we have been friends. I wanted you to know how I felt because you have always had the greater good of St. Paul at hand. This is a great city with so much potential. I feel that business is viewed by some in city government as a necessary evil. This is unfortunate we should be able to work together as a team. I feel real disheartened by the process. Even though I may have to office in Minneapolis my heart is in St. Paul. Thanks for listening.

Best Regards,

Louis C. Henry

Enclosure

cc: Zoning and Planning Administrator

RITTER & FENSKE, LTD.

ATTORNEYS AT LAW

461 UNIVERSITY AVENUE

SAINT PAUL, MINNESOTA 55103

(612) 222-6700

FAX 222-1263

JEROME A. RITTER

JEFFREY J. FENSKE

September 22, 1995

Mr. Louis Henry  
471 Marion Street  
St. Paul, MN 55103

Re: 260 Aurora  
Our File No. 3844-1

Dear Mr. Henry:

I am enclosing for your information a copy of the information sheet I received from the City of St. Paul setting forth the criteria utilized by the city to evaluate whether or not a business fits within the "owner/occupied" exception to the zoning regulations. After receiving this material from the City of St. Paul I spoke with John Hardwick relative to your intended use of the 260 Aurora property. I explained to Mr. Hardwick the premises would be utilized primarily for the purpose of handling administrative functions such as processing payroll and handling other administrative functions. I did indicate that occasionally meetings would take place with various store managers present. Such meetings would have from three to five people involved. I also indicated you intended to conduct employee orientation on the premises from time to time. Such orientation would involve the viewing of video tapes and training materials provided by the McDonald's Corporation. Orientation sessions would probably have only two or three employees attending at a time. I also pointed out that off street parking is available on the subject premises and that if additional parking were required you have a parking lot available at Marion and University. I assured the City of St. Paul that the present street parking situation would not be further burdened with your intended use of 260 Aurora. You certainly have ample parking available at the east end of the block where the subject premises is located.

Mr. Hardwick indicated to me that utilization of the property for the purpose of meetings with management and orientation sessions as described above would not be included within the criteria which are acceptable to the City of St. Paul. It would certainly appear after my conversation with Mr. Hardwick that the City of St. Paul would not permit you to utilize 260 Aurora as you have proposed.

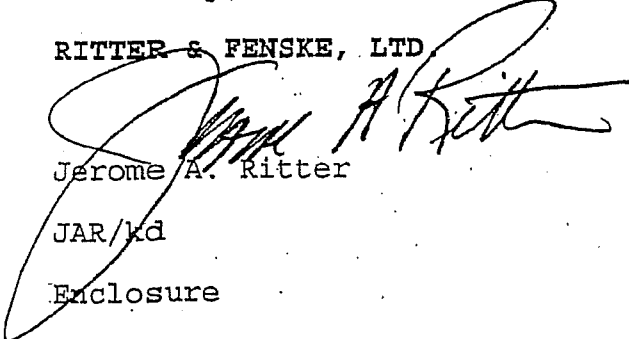
I will continue to explore other potential sites or properties. I will continue to work with the understanding that you would prefer to have

Mr. Louis Henry  
September 22, 1995  
Page 2

an administrative office located within the City of St. Paul and as close to your Marion Street store as possible. I will also keep you advised regarding any potential properties located outside the City of St. Paul.

Sincerely,

RITTER & FENSKE, LTD

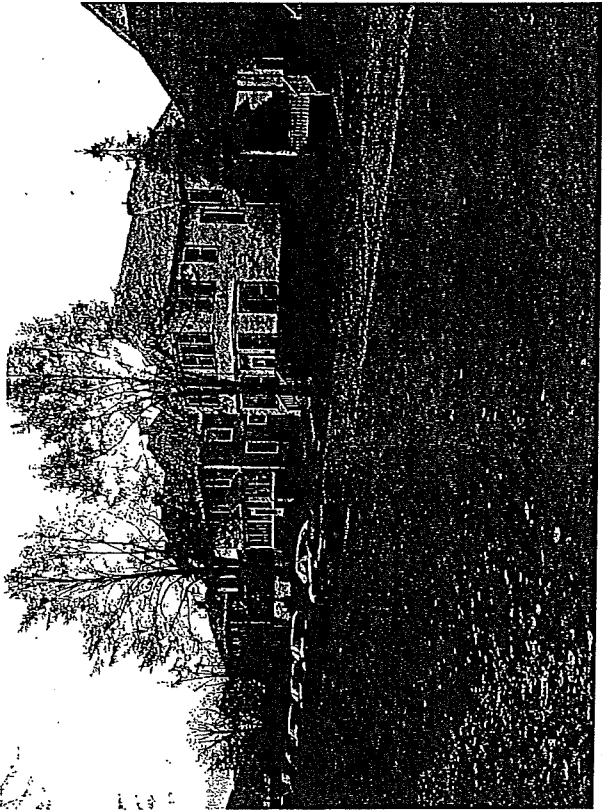


Jerome A. Ritter

JAR/kd

Enclosure

260 AURORA AVENUE



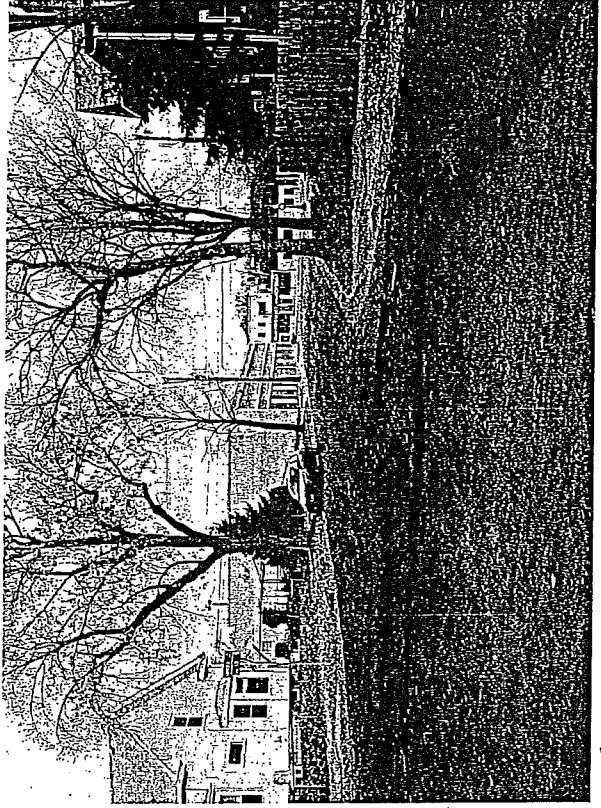
Looking Southeast down Aurora at Galtier



Looking West down Aurora at Galtier



Looking Northeast down Aurora at Galtier



Looking North on Galtier from Aurora

# GISmo Oblique Photography

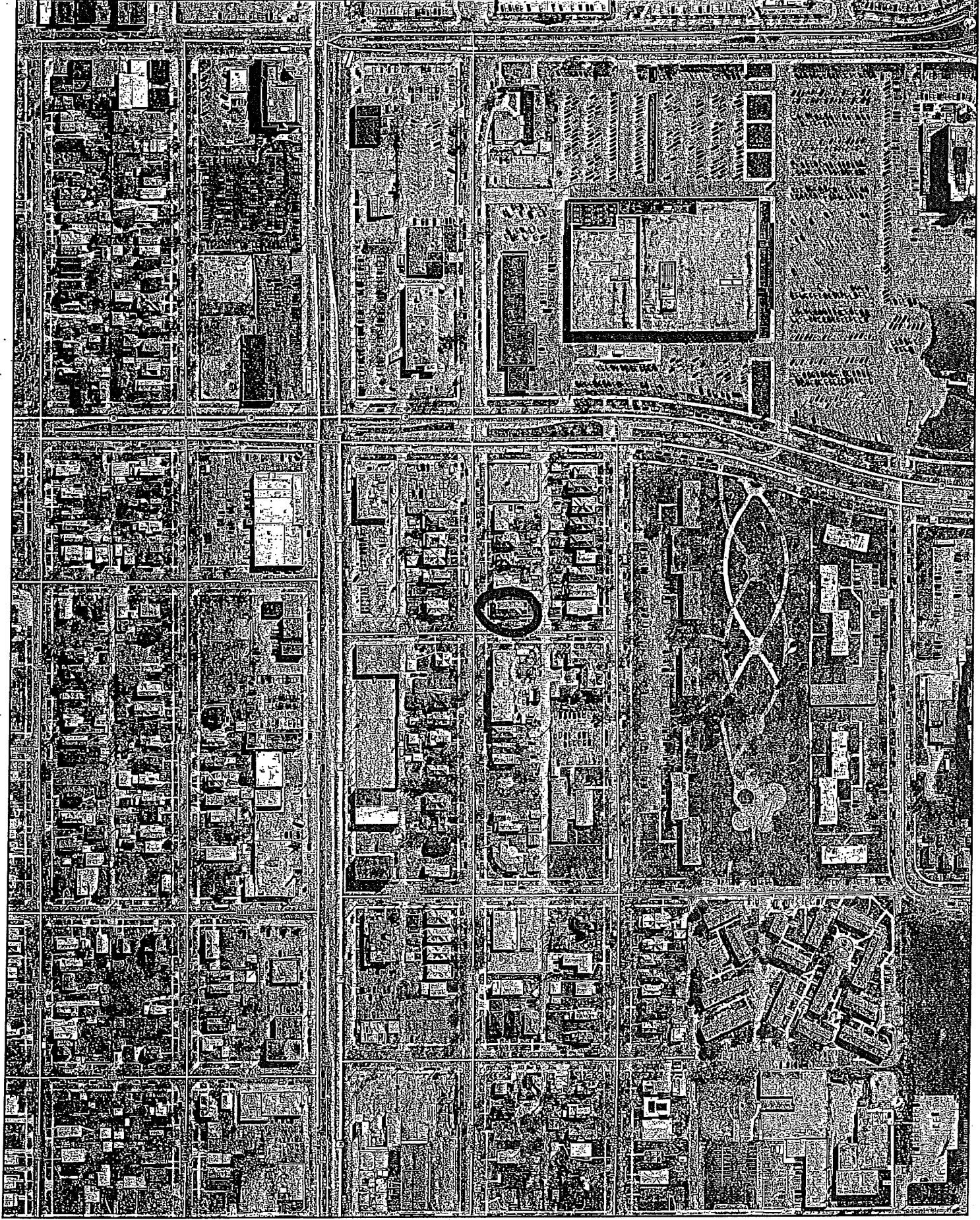
Images courtesy of: Microsoft® Virtual Earth™ 2006

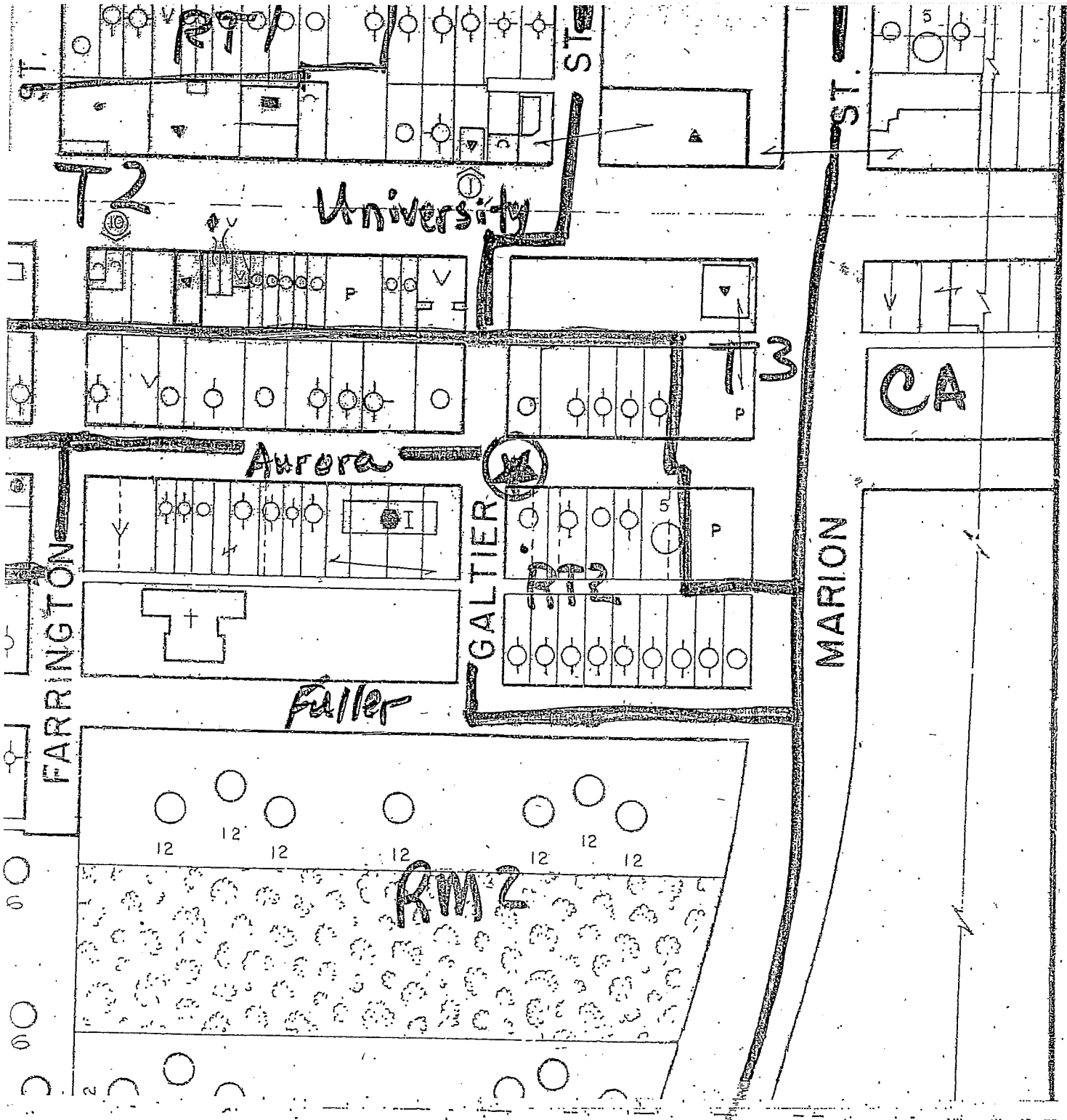
Show Dashboard  Show Reference Map





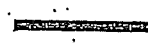
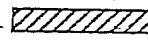



100 Feet  
200 Feet  
300 Feet  
400 Feet  
500 Feet  
600 Feet  
700 Feet  
800 Feet  
900 Feet  
1000 Feet








APPLICANT BLD Property Management  
 PURPOSE NCUP - Establishment  
 FILE # 13-247474 DATE 11-7-13  
 PLNG. DIST 8 Land Use Map # 20  
 Zoning Map # 15

LEGEND

-  zoning district boundary
-  subject property
-  one family
-  two family
-  multiple family



-  commercial
-  industrial
-  vacant

## 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
- 

- 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) 266-6689

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 651.439.5511  
 Name of Owner (if different) \_\_\_\_\_  
 Contact Person (if different) JIM BRADSHAW Phone 651.234.1830

LA JAY JENSEN/WATERS SENIOR LIVING 952-258-5110

**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 district to a zoning

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. 66.314

(attach additional sheets if necessary)

Attachments as required:  Site Plan  Consent Petition  Affidavit  
 ↑ NOT APPLICABLE ↓

Subscribed and sworn to before me  
 this 21<sup>st</sup> day

of November, 2013

Margaret Ahles  
 Notary Public



By: [Signature]  
 Fee owner of property

Title: PRESIDENT  
THE BRADSHAW BOARD  
JAC

*Other pertinent project information:*

There will be a total of 80 units

- 60 Assisted Living units
- 10 Memory Care units
- 10 Care Suites (higher level of assisted living, but not memory care)

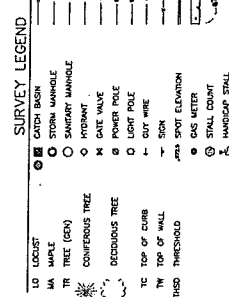
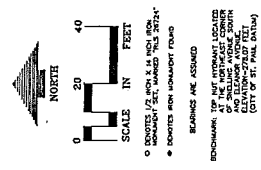
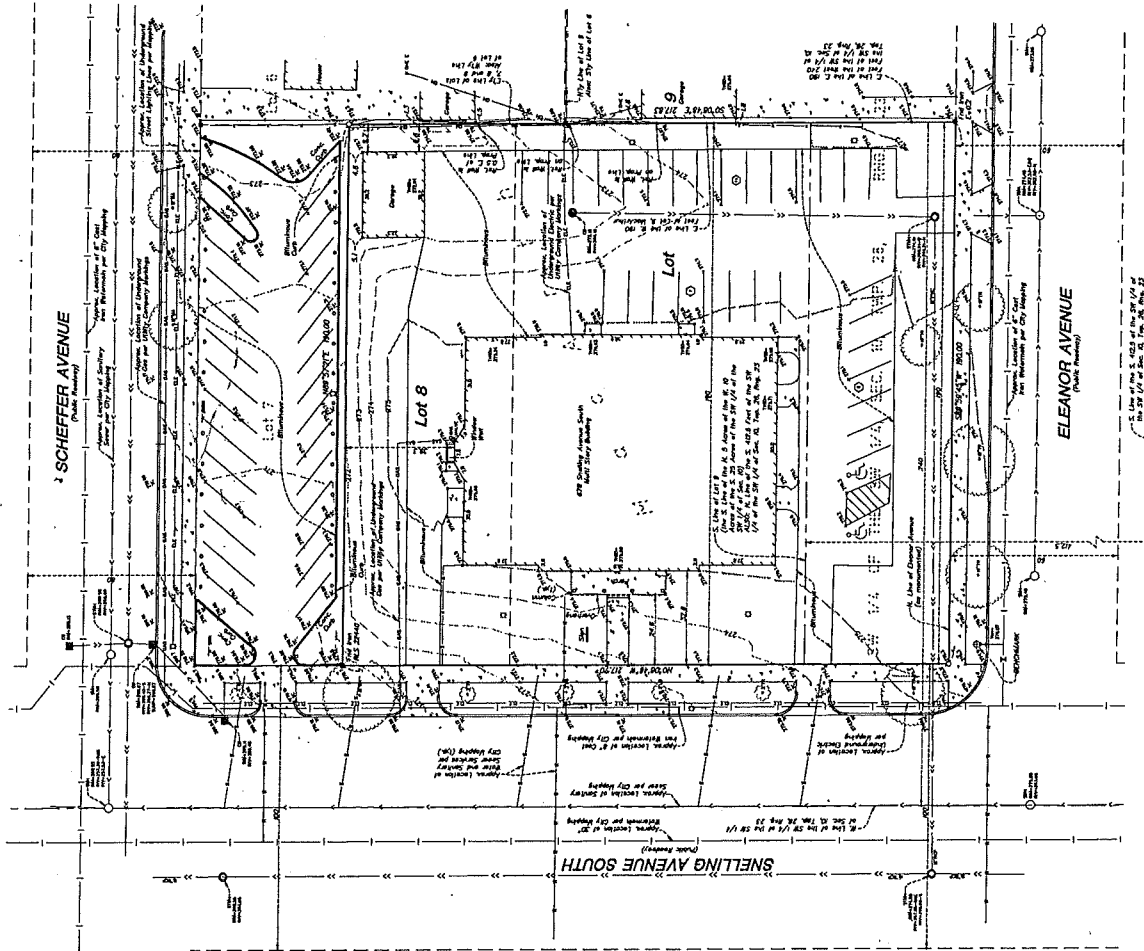
The underground garage will have 40 parking stalls for residents, staff and visitors, which is 10 spaces more than the 30 spaces required for this use,

- Off-street parking (Section 63.207) for "Housing for the elderly" = 0.33 spaces per unit
- Off-street parking (Section 63.207) for "Assisted Living" = 1 space per 3 residents

Building height is about 50 feet

**DESCRIPTION OF PROPERTY SURVEYED:**  
 (Per Ordinance A of the herein referenced Trust Commitment)

Lot 8 and the Westerly 190 feet of Lot 9, MacArthur, Ramsey County, Minnesota.  
 And  
 The Eastern 190 feet of the Westerly 240 feet of the Westing 240 feet of the South 402.8 feet of the Southwest Quarter of the Southwest Quarter of Section 10, Township 28, Range 23, Ramsey County, Minnesota.  
 Torrens Property  
 Torrens Certificate No. 282725



**PROJECT ADDRESS:**  
 678 Snelling  
 Avenue South

**CLIENT:**  
 St. Paul, Minnesota  
 The Waters Senior Living, LLC  
 1650 Lakeside Circle  
 Minneapolis, MN 55425

**PROFESSIONAL SERVICES:**  
**LOUCCI ASSOCIATES**  
 Planning • Civil Engineering • Land Surveying  
 7700 Oakdale Street, Suite 100  
 Minneapolis, MN 55425  
 (612) 833-1111  
 www.loucci.com

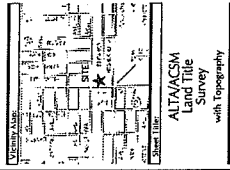
**PROFESSIONAL ENGINEER:**  
 Robert L. Loucci, P.E.  
 License No. 0000000000  
 Date of Issue: 08/12/10

**PROFESSIONAL SURVEYOR:**  
 Robert L. Loucci, PLS  
 License No. 20724  
 Date of Issue: 08/12/10

**DATE OF SURVEY:** October 17, 2013

**DATE OF PLOT OR MAP:** October 17, 2013

**SCALE:** AS SHOWN



**PROJECT NO.:** 13-449

**SHEET NO.:** 1 of 1

- ALTAACSM OPTIONAL TABLE A NOTES:**  
 (The following items refer to Table A optional survey responsibilities and specifications)
- This property is contained in unimproved Flood Insurance Rate Map, Community Panel No. 2712300091G (no special flood hazard area).
  - The Gross land area is 41,375 +/- square feet or 0.34 +/- acres.
  - The number of parking stalls on this site are as follows: 20 Regular - 2 Handicap = 20 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 operators do not consistently respond to locate requests through the Opiter State One Call service for all utility operators that do respond often will not locate services from their main line to the customer's structure or facility; they consider these services private installations that are outside their jurisdiction. If a private service to a structure or facility is not shown on the map, it may not be located since most operators will not mark such "private" services.
    - Most and less conditions during water months may obscure otherwise visible evidence of a buried structure or utility.
    - Some utility lines, such as gas, water, and sewer, are often buried in a trench or vault, and are very often located at or near the surface.
    - STREET LIGHTS, SIGN LIGHTS, AND OTHER LIGHTS ARE NOT TO BE LOCATED BY ANY OTHER PARTY ONE CALL AT LEAST 48 HOURS IN ADVANCE AT 651/684-0002.
    - THE LOCATION OF ALL UTILITIES AND STRUCTURES SHOWN ON THIS MAP IS BASED ON THE BEST AVAILABLE INFORMATION.
    - THE LOCATION OF ALL UTILITIES AND STRUCTURES SHOWN ON THIS MAP IS BASED ON THE BEST AVAILABLE INFORMATION.
  - CONCRETE: (612) 832-5310  
 S. Paul Water Utility: (612) 332-8141  
 Department of Transportation: (612) 336-2720  
 S. Paul Water Utility: (612) 336-8888  
 Job Energy: (612) 336-4247

**SURVEY REPORT:**  
 The property located on the survey and the easements of record shown hereon on the maps are the property and the easements described in the Commitment for the Insurance issued by Commercial Partners Title, LLC (Agent for Stewart Title Guaranty Company, File No. 27297, dated September 20, 2013).

**CERTIFICATION:**  
 I, the undersigned, being a duly Licensed Professional Engineer and a duly Licensed Professional Surveyor in the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original survey report and map as the same were prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer and a duly Licensed Professional Surveyor in the State of Minnesota.

**DATE OF PLOT OR MAP:** October 17, 2013

Robert L. Loucci, PLS  
 Minnesota License No. 20724  
 www.loucci.com

CALL BEFORE YOU DIG  
**Gopher State One Call**  
 1-800-368-5828  
 TOLL FREE 1-800-368-5828



**CITY OF ST. PAUL PERMIT REQUIREMENTS**

- THE PUBLIC WORKS DEPARTMENT HAS THE RIGHT TO STOP ANY CONSTRUCTION UNLESS THE CONTRACTOR OBTAINS AN OBSTRUCTION PERMIT FROM THE PUBLIC WORKS DEPARTMENT. CONTRACTORS CALL FOR COST ESTIMATES PRIOR TO SUBMITTING TO OBTAIN ACCURATE COST ESTIMATES. IT IS STRONGLY RECOMMENDED THAT ALL CITY UTILITIES BE LOCATED PRIOR TO CONSTRUCTION.
- CONSTRUCTION PERMITS THE CONTRACTOR MUST OBTAIN AN OBSTRUCTION PERMIT IF CONSTRUCTION INCLUDING SETBACKS WILL BE ON CITY STREETS, SIDEWALKS OR ALLEYS, OR IN DRIVING OVER CURBS.
- EXCAVATION PERMITS: ALL DIGGING IN THE PUBLIC RIGHT OF WAY REQUIRES AN EXCAVATION PERMIT. IF THE PROPOSED BUILDING IS CLOSE TO THE RIGHT OF WAY, AND EXCAVATION INTO THE RIGHT OF WAY IS NEEDED TO FACILITATE CONSTRUCTION, CONTACT THE UTILITY INSPECTOR.
- FAILURE TO OBTAIN PERMITS: FAILURE TO OBTAIN PERMITS FOR EXCAVATION PERMITS WILL RESULT IN A DOUBLE PERMIT FEE AND OTHER FEES REQUIRED UNDER PERMITS FOR EXCAVATION PERMITS.
- REQUIREMENTS FOR WORK IN THE PUBLIC RIGHT OF WAY: ALL UTILITIES AND CONTRACTORS WORKING IN THE PUBLIC RIGHT OF WAY MUST BE REGISTERED, INSURED, AND BONDED, AS RECORDED BY THE PUBLIC WORKS SERVICE DEPARTMENT (651-224-4151).

**CITY OF ST. PAUL NOTES**

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.
- ALL WORK ON CURBS, SIDEWALKS, AND SIDEWALKS WITHIN THE PUBLIC RIGHT OF WAY MUST BE DONE BY A LICENSED AND BONDED CONTRACTOR UNDER A PERMIT FROM THE PUBLIC WORKS DEPARTMENT. SIDEWALK GRADINGS MUST BE CARRIED ACROSS DRIVEWAYS.
- RESTORATION OF ASPHALT AND CONCRETE PAVEMENTS ARE PERFORMED BY THE PUBLIC WORKS STREET MAINTENANCE DIVISION. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS FROM THE PUBLIC WORKS DEPARTMENT. RESTORATION OF ASPHALT AND CONCRETE PAVEMENTS ARE PERFORMED BY THE PUBLIC WORKS STREET MAINTENANCE DIVISION.
- THE CONTRACTOR SHALL CONTACT THE PUBLIC WORKS DEPARTMENT AT 651-224-4151 FOR GENERAL INFORMATION, LIGHTING, SIGNAL MAINTENANCE, IF REMOVAL OR RELOCATION OF EXISTING UTILITIES IS REQUIRED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.
- THE INSTALLATION OF PRIVATE ELECTRICAL WIRING, CONDUIT, RECEPTACLES AND/OR LIGHTING IS STRICTLY PROHIBITED IN THE CITY'S RIGHT OF WAY.
- CARE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ANY BURIED UTILITIES AND/OR PROPERTY. CALL 311 FOR LOCATION OF PUBLIC WORKS DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.
- FREE WORK INSIDE PROPERTY TO BE PERFORMED BY A LICENSED AND BONDED CONTRACTOR UNDER A PERMIT FROM THE PUBLIC WORKS DEPARTMENT.
- UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR BE ALLOWED TO EXCAVATE OR REMOVE ANY CURB OR SIDEWALK WITHOUT THE WRITTEN PERMISSION OF THE PUBLIC WORKS DEPARTMENT.
- DISCOURAGE ALL TYPES OF TRAFFIC VIOLATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.
- SAFETY WORK SITE REQUIREMENTS: THE CONTRACTOR SHALL PROVIDE A CONTINUOUS, ACCESSIBLE AND SAFE PEDESTRIAN WALKWAY THAT MEETS ADA AND AN ADEQUATE STANDING AREA FOR WORKERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.
- NO PRIVATE UTILITIES IN THE RIGHT OF WAY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.
- ALL UTILITIES SHALL BE PROTECTED WITHIN THE RIGHT OF WAY OR AS PART OF THE SITE WORK SHALL BE REPLACED BY THE CITY. THE CONTRACTOR SHALL CONTACT THE PUBLIC WORKS DEPARTMENT AT 651-224-4151 FOR GENERAL INFORMATION.
- AN OBSTRUCTION PERMIT MUST BE OBTAINED PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.

**SITE NOTES**

- ALL PAVING, CONCRETE CURB, CUTTER AND SIDEWALK SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN FOR SHEET C-1 AND THE REQUIREMENTS OF THE CITY'S STANDARD SPECIFICATIONS FOR ROADWAY CONSTRUCTION.
- WITHIN THE RIGHT OF WAY, ALL UTILITIES SHALL BE PROTECTED AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.
- MINNESOTA STATE STATUTE REQUIRES NOTIFICATION FOR CURB OR ONE CURB PRIOR TO COMMENCING ANY GRADING, EXCAVATION OR UNDERGROUND WORK.
- THE CONTRACTOR SHALL PRESERVE AND MAINTAIN ANY EXISTING STREET LIGHTS AND TRAFFIC SIGNS FOR THE REQUIREMENTS OF THE CITY.
- CURB AND CHIP AND REMOVE ALL TREES, VEGETATION AND SITE DIRT PRIOR TO EXCAVATION. ALL REMOVED MATERIAL SHALL BE HAULLED FROM THE SITE DAILY. ALL CLEARING REMOVAL SEE SHEET C-2.
- THE CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL PERMITS FROM THE CITY AS REQUIRED FOR ALL WORK WITHIN THE STREET AND PUBLIC RIGHT OF WAY.
- STALL STEERING TO BE AS WHITE PAINT. REFER TO DETAILS FOR HANDICAPPED STALL STEERING. ALL STEERING TO BE EXACT.
- ALL CURB DIMENSIONS SHOWN ARE TO FACE UNLESS OTHERWISE NOTED.
- INTRODUCTIONS UNRECORDED FEED BOARD TO BE PLACED AT FULL DEPTH OF CONCRETE ADJACENT TO EXISTING STRUCTURES AND BEHIND CURB ADJACENT TO DRIVEWAYS AND DRIVEWAYS.

**SITE DATA**

STREET ZONING: OPEN SPACE AND PARK DISTRICT (OSPD)  
 EXISTING IMPERVIOUS AREA: 0.00 AC (0%)  
 PROPOSED IMPERVIOUS AREA: 0.00 AC (0%)  
 PAVING SUMMARY:  
 PAVEMENT TYPE: ASPHALT  
 PAVEMENT THICKNESS: 4" (102mm)  
 PAVEMENT STRENGTH: 1500 PSI  
 PAVEMENT FINISH: 1/8" (3mm) SAND

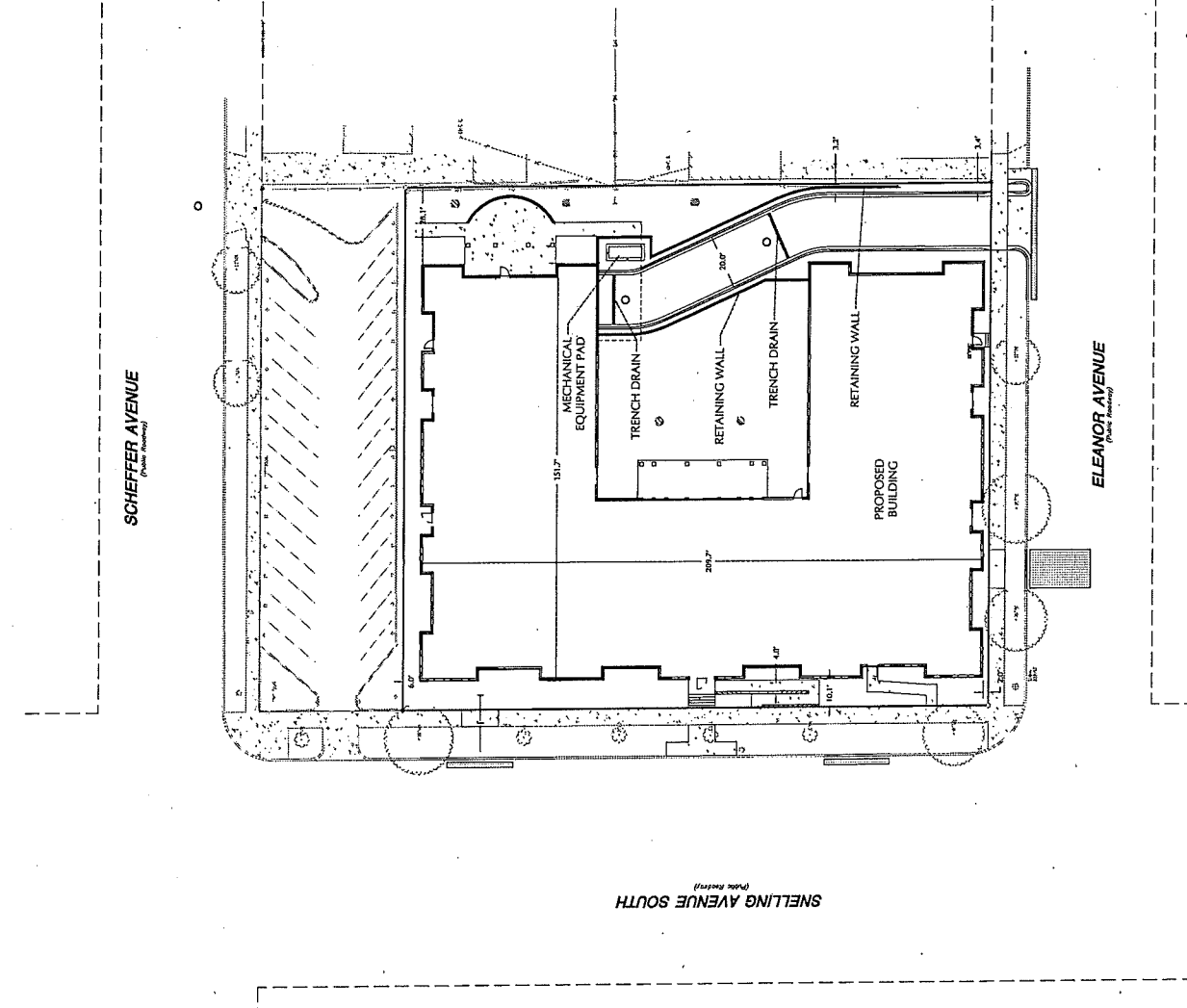
**ACCESSIBLE PARKING**

REQUIRED ACCESSIBLE PARKING: 0 STALLS REQUIRED  
 ACCESSIBLE PARKING: 0 STALLS PROVIDED

**PAVEMENT TYPES**

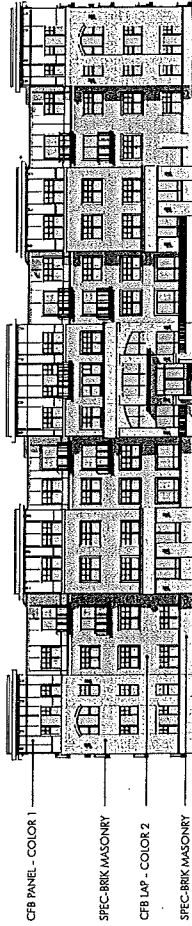
BITUMINOUS PAVEMENT  
 CONCRETE PAVEMENT  
 ASPHALT PAVEMENT

**WARNING:**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN LOCATING UTILITIES PRIOR TO CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL.



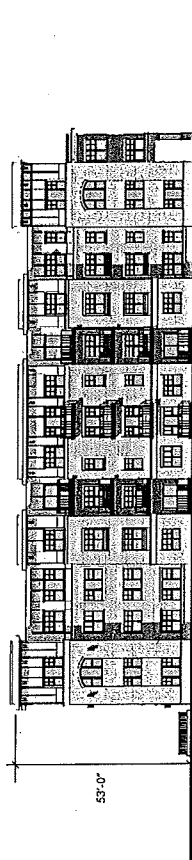
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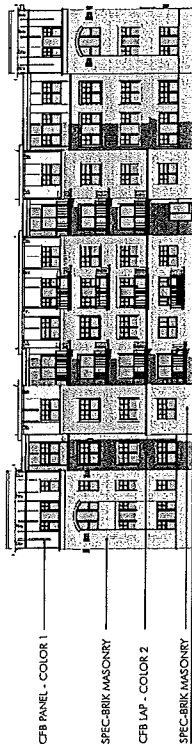


SNELLING AVENUE - WEST ELEVATION

- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY

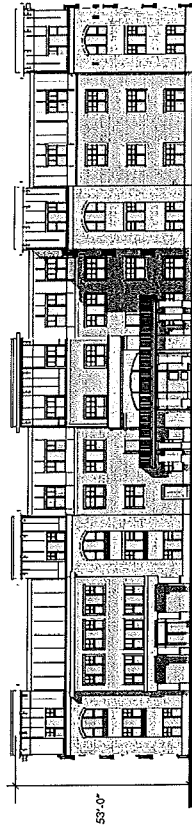


SOUTH ELEVATION

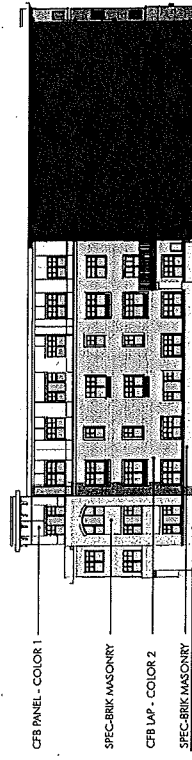


NORTH ELEVATION

- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY



INTERIOR COURTYARD - EAST ELEVATION



INTERIOR COURTYARD - NORTH ELEVATION

- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY



INTERIOR COURTYARD - SOUTH ELEVATION

BRIMHALL ST

SCHEFFER AVE

SNELLING AVES



(105)

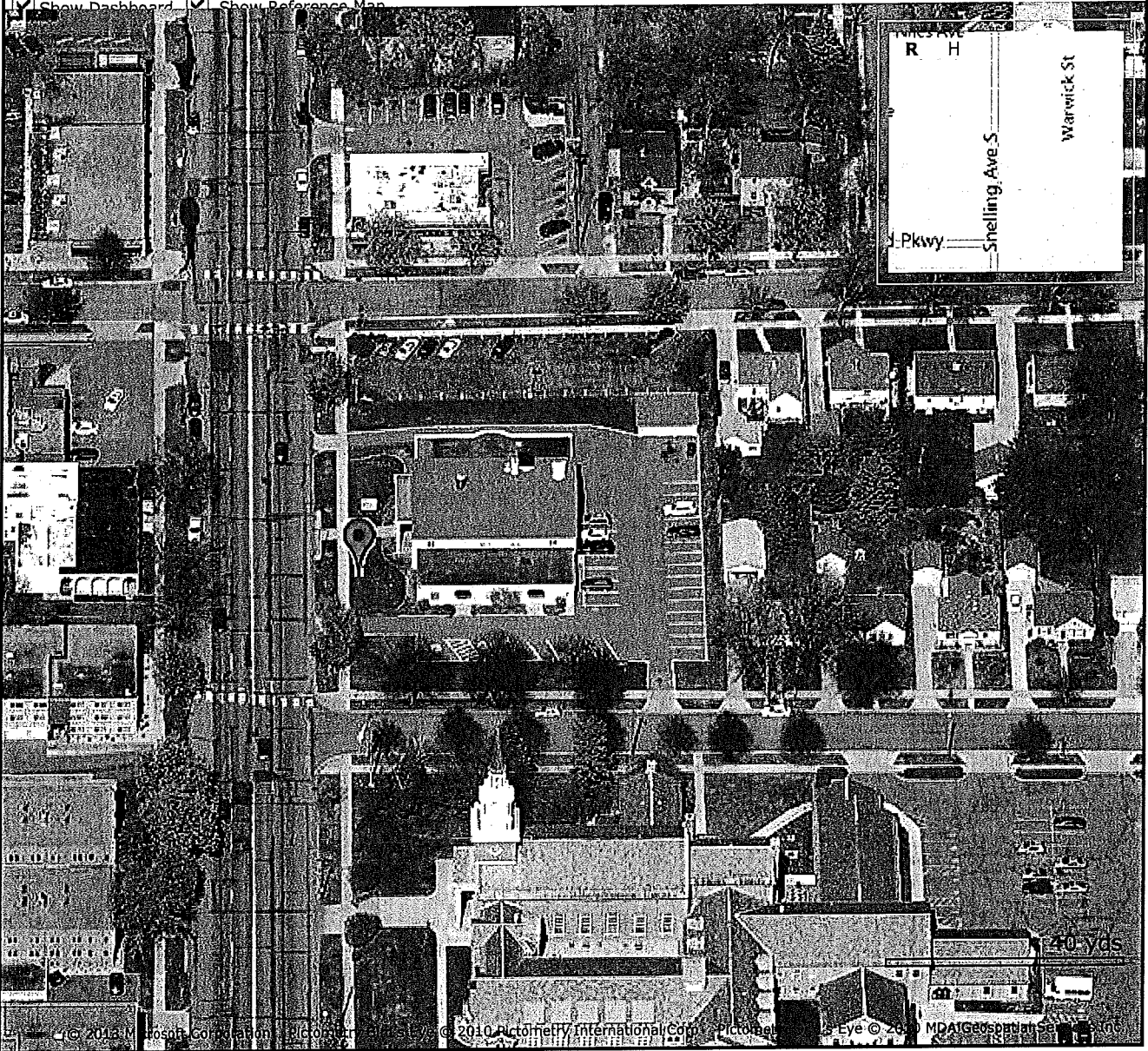
ELEANOR AVE

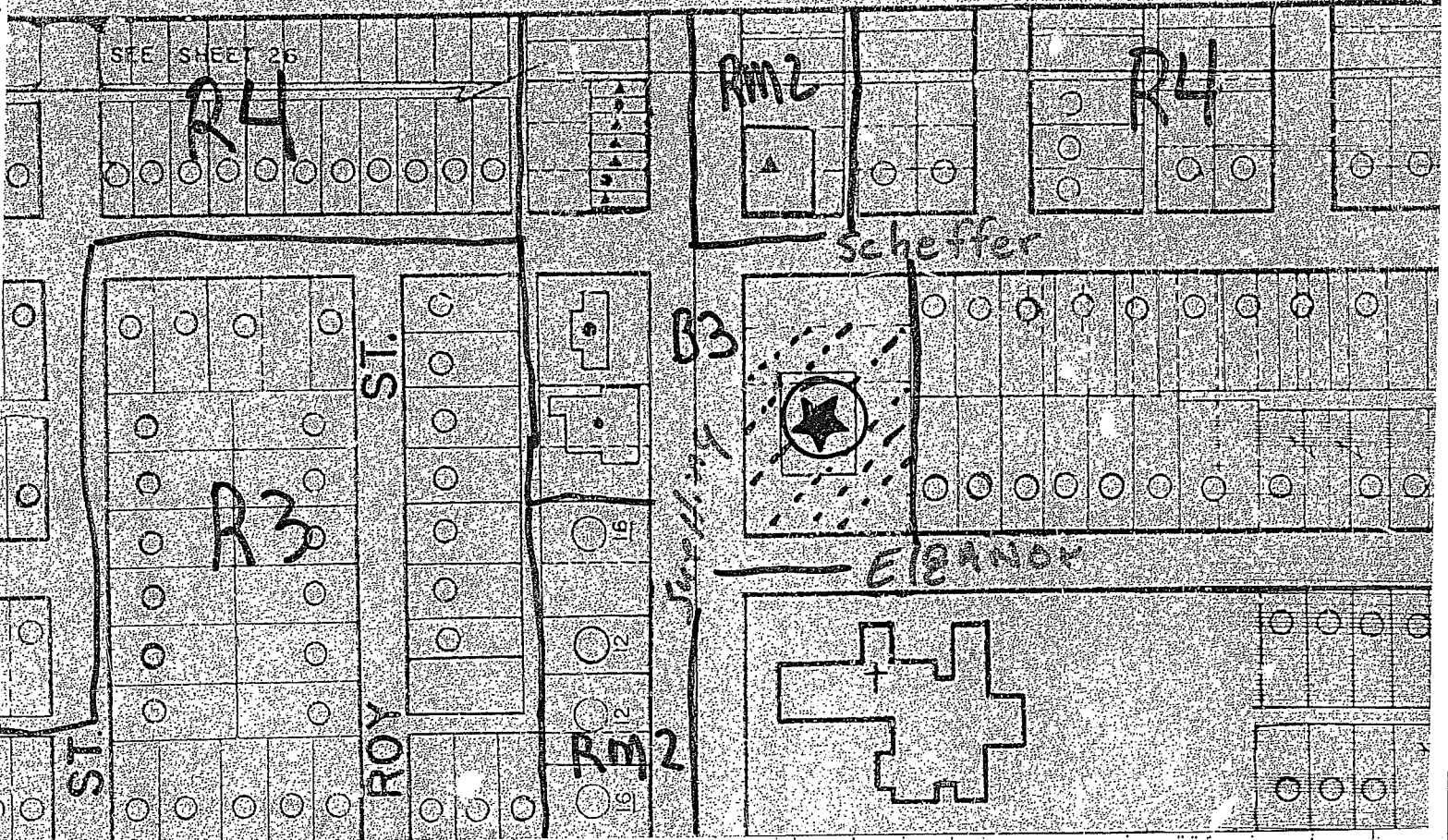
HIGHLAND PKV

# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard  Show Reference Map





APPLICANT Bradshaw Group  
 PURPOSE Rezone B3 → T3  
 FILE # 13-253015 DATE 11-25-13  
 PLNG. DIST 15 Land Use Map # 34  
 Zoning Map # 20

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



SCALE 1" = 400'

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** The Waters Senior Living **FILE #:** 13-253-080
  2. **APPLICANT:** The Waters Senior Living **HEARING DATE:** December 12, 2013
  3. **TYPE OF APPLICATION:** PC Variance
  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 **PRESENT ZONING:** B3
  7. **ZONING CODE REFERENCE:** §61.202(b); § 63.310(c)
  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
- 

- A. **PURPOSE:** Variance for driveway setback
- B. **PARCEL SIZE:** 40,580 sq. ft.
- C. **EXISTING LAND USE:** Funeral home (B3)
- D. **SURROUNDING LAND USE:**
  - North: Commercial (B3)
  - East: Single-family residential (R4)
  - South: Church (R4)
  - West: Commercial (B3)
- E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.; §63.310(c) requires that entrances and exits for parking facilities on land zoned other than RL-RT2 shall be setback twenty five (25) feet from adjacent properties zoned RL-RT2.
- 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. To enable the project to proceed as proposed, they have applied for a rezoning (case #13-253-015) from B3 to T3 and for a variance for a driveway setback to allow construction of a drive lane from Eleanor to the underground parking garage.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 15 had not commented at the time of this staff report.
- H. **FINDINGS:**
  1. The drive lane is proposed to be located within 3.2 feet of the adjacent single-family residential property at 1559 Eleanor Avenue. Section 63.310(c) of the zoning code states that "*Entrances and exits to and from all parking facilities located in land zoned other than RL-R2 shall be at least twenty-five (25) feet from any adjoining property in RL-RT2 zoning districts,*" therefore requiring a variance 21.8 feet.
  2. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:
    - a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The general intent of driveway setbacks is to manage vehicular

traffic in a manner that is safe and predictable. The location of the proposed driveway onto Eleanor will be visible to and from the adjacent residential property within the sidewalk and boulevard right-of-way, where all drivers are expected to stop and look before entering or exiting the street. This will provide the opportunity for drivers who wish to access or exit the adjacent driveways to determine the order of their movements if another vehicle is present. In addition, placement of the driveway at the east end of the lot provides ample distance from the Snelling intersection, allowing pedestrians on Snelling and Eleanor and drivers to see one another as vehicles enter and exit the driveway.

- b) *The variance is consistent with the comprehensive plan.* This finding is met. Transportation Plan Strategy 1.7 states, "Minimize and consolidate driveway cuts on commercial streets as opportunities arise -- For pedestrian safety and comfort and to maximize on-street parking, discourage curb cuts where alleys or side streets are accessible." The applicant is proposing placement of the driveway on a side street instead of on Snelling Avenue and is locating it away from the Snelling and Eleanor intersection.
- c) *The applicant has established that there are practical difficulties in complying with the provision that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The driveway is placed in a location that best fits the other requirements and constraints of the site. Driveway access on Eleanor Avenue at the east end of the site allows a continuous façade along Snelling Avenue and provides a safer location for ingress and egress away from the traffic of Snelling Avenue. The proposed location of the building close to Snelling and Eleanor Avenues, with parking access to the side/rear, is consistent with zoning and design standards for building and parking placement in pedestrian-oriented commercial districts (Section 63.110(c)) and in a T3 zoning district.
- d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The property, proposed development, and other zoning requirements provide little option for driveway placement. If this property was adjacent to a similarly zoned parcel, the driveway setback requirement would be 0 feet.
- e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met if the property is rezoned from B3 to T3, where senior assisted living is a permitted use.
- f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The variance pertains to placement of a driveway, which does not impact the character of the area.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variance for driveway setback subject to the following additional conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.



# APPLICATION FOR ZONING VARIANCE

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1694  
(651) 266-6589

Zoning office use only

File number: 13-253080

Fee: \$

Tentative hearing date: 12-12-13

Section(s):

City agent:

PD = 15

~~658-102823330104~~  
# 678-102823330105

## APPLICANT

Name JAY JENSEN Company THE WATERS SENIOR LIVING  
Address 1600 HOPKINS CROSSROAD  
City MINNETONKA State MINN Zip 55305 Daytime Phone (952) 358-5100  
Property interest of applicant (owner, contract purchaser, etc.) CONTRACT PURCHASER (P.A. IN PLACE)  
Name of owner (if different) CURRENT PROPERTY OWNER IS BROADSHAW FUNERAL HOME

## PROPERTY

Address/Location 678 SNELLING AVENUE SOUTH  
Legal description SEE ATTACHED SURVEY  
*(attach additional sheet if necessary)*  
Lot size 0.74 ACRES Present Zoning F33 Present Use FUNERAL HOME  
Proposed Use SENIOR LIVING (ASSISTED LIVING & MEMORY CARE)

Variance[s] requested: A VARIANCE IS BEING REQUESTED TO ALLOW A DRIVE ACCESS TO THE GARAGE OF THE PROPOSED SENIOR LIVING BUILDING, ALONG THE EAST SIDE OF THE SITE. SEE ATTACHED NARRATIVE FOR FURTHER INFORMATION, AS WELL AS ATTACHED SURVEY, ZONING MAP, AND PROPOSED SITE PLAN.  
Supporting information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Attachments as required:  Site Plan  Attachments  Pro Forma

Applicant's signature [Signature]

Date 11/6/10

## APPLICATION FOR ZONING VARIANCE – NARRATIVE

The Waters of Highland Park – 678 Snelling Ave. S.



11.21.2013, Revised 12.3.2013 to reflect drive access off Eleanor Avenue

The Waters Senior Living has a purchase agreement in place for 678 Snelling Avenue S. The site is currently occupied and owned by Bradshaw Funeral Home. If rezoning is approved, the existing structures would be demolished to make way for a new senior living building, providing assisted living and memory care services.

In an attempt to provide as much green space for residents, all resident and staff parking will be accommodated in an underground garage. With such tight site conditions, the options for placement of the drive down to the garage are extremely limited. The proposed location and orientation of the garage access drive is depicted in the attached site plan. The drive starts off close to the adjacent residential zoning at the street access, but then angles away from the adjacent residential zoning once the drive passes the southern leg of the building. The drive has been located to be accessed off of Eleanor Avenue, as city staff (David Kuebler and Tom Beach) have indicated that this would be the preferred access location for this site. A variance is required for this drive location, due to the proximity of the drive to the adjacent residential zoning. To a large extent, the vast majority of the residents in a senior living building like this do not drive, so the traffic in/out of this drive will largely just be staff.

It is proposed that privacy fence screening (height as permitted by city requirements) and landscaping would be incorporated in the final site plan and design for the proposed project, for the full length of the drive.

The Waters Senior Living has been in contact with the adjacent residential property owners as well as the Highland Park District Council throughout the development of the proposed project's design, and all parties have expressed support for the proposed project.



*Other pertinent project information:*

There will be a total of 80 units

- 60 Assisted Living units
- 10 Memory Care units
- 10 Care Suites (higher level of assisted living, but not memory care)

The underground garage will have 40 parking stalls for residents, staff and visitors, which is 10 spaces more than the 30 spaces required for this use.

- Off-street parking (Section 63.207) for "Housing for the elderly" = 0.33 spaces per unit
- Off-street parking (Section 63.207) for "Assisted Living" = 1 space per 3 residents

Building height is about 50 feet

**Project Name:**  
**679 Snelling Avenue South**

**Client:**  
 The Waters Senior Living, LLC  
 1600 Hopkins Crescent  
 Minneapolis, MN 55305

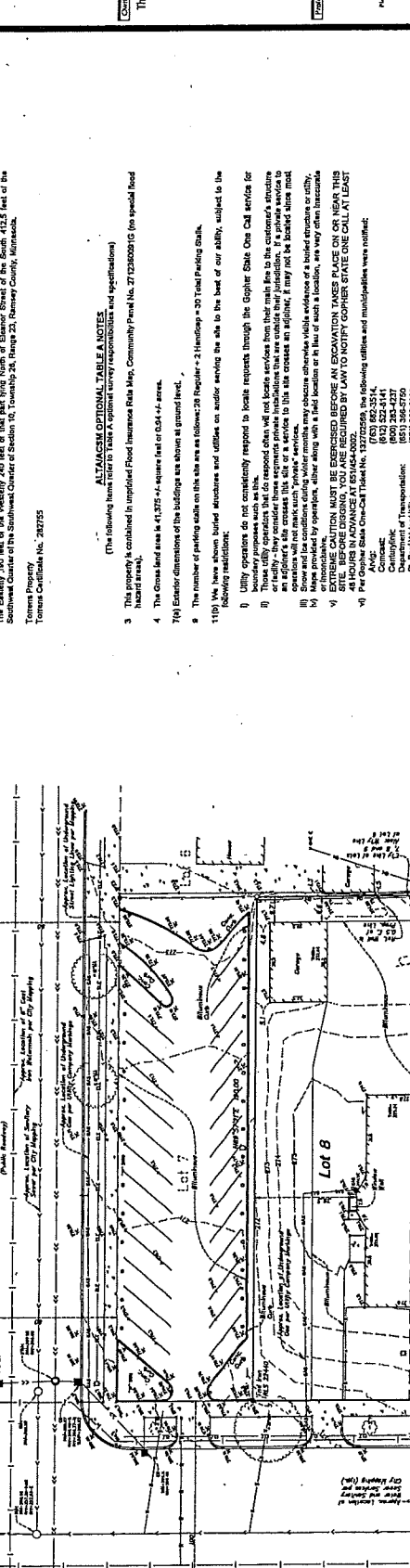
**Location:**  
 St. Paul, Minnesota

**Professional Engineer:**  
 ALTA/ACSM Land Title Survey  
 with topography

**Sheet No.:** 13-449

**Scale:** 1" = 40'

**North Arrow:**



**DESCRIPTION OF PROPERTY SURVEYED**  
 (Per Schedule A of the herein referenced Title Commitment)  
 Lot 8 and the Westside 100 feet of Lot 9, MacArthur, Ramsey County, Minnesota.

And

The Easement 100 feet of the Westside 240 feet of that part lying North of Eleanor Street of the South 412.5 feet of the Eastside Corner of Section 16, Township 26, Range 21, Ramsey County, Minnesota.

Township Property  
 Taxmap Parcel No. 782725

**ALTA/ACSM OPTIONAL TABLE A NOTES**  
 (The following items refer to Title A optional survey responsibilities and specifications)

- This property is situated in unimproved Flood Insurance Rate Map, Community Panel No. 27220001G (for special flood hazard areas).
- The Gross lot area is 41,375.44 square feet of 0.9444 acres.
- 1110) We have shown below structures and utilities on and/or around the site to the best of our ability, subject to the following restrictions:  
 a) Utility operations do not consistently respond to locate requests through the Gopher State One Call service for boundary purposes such as this.  
 b) If you consider these structures and utilities to be in place, you should verify their location by other means.  
 c) An adjacent site across this site or a service to this site creates an adjacent, it may not be located since most maps and lot conditions change with time and may obscure otherwise visible evidence of a buried structure or utility.  
 d) Maps provided by operation, either along with a field location or in lieu of such a location, are very often inaccurate.  
 e) EXTREME CAUTION MUST BE EXERCISED BEFORE AN EXCAVATION TAKES PLACE ON OR NEAR THIS SITE. BEFORE DIGGING, YOU ARE REQUIRED BY LAW TO NOTIFY GOPHER STATE ONE CALL AT LEAST 48 HOURS BEFORE THE EXCAVATION BEGINS.  
 f) Per Gopher State One-Call Ticket No. 132725258, the following utilities and municipalities were notified:  
 Aptic: (651) 882-3314  
 CenturyLink: (651) 306-5750  
 Department of Transportation: (651) 306-4237  
 Minnesota Power: (651) 226-3427  
 Xcel Energy: (651) 226-3427

**SURVEY REPORT:**  
 The property depicted on this survey and its easements of record shown hereon are the same as the property and its easements described in the Commitment for Title Insurance issued by Commercial Partners Title, LLC as agent for Stewart Title Guaranty Company, File No. 3787, dated September 28, 2011.

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

**CERTIFICATION**  
 To The Waters Senior Living, LLC, The Standard Group, Inc., a Minnesota corporation, Commercial Partners Title, LLC and Stewart Title Guaranty Company.

This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, fully established and adopted by ALTA and NSPS in 2011, and includes items 1-4, 6, 8, 9 and 11(b) of Table A thereof. The field work was completed on October 17, 2012.

Date of Plot or Map: October 18, 2012

*Neil P. Bell*  
 Neil P. Bell, P.E.  
 Professional Engineer License No. 38724  
 ALTA/ACSM Land Title Survey  
 www.altaacsm.com

**Professional Engineer:**  
*Neil P. Bell*  
 License No. 38724  
 Date: October 17, 2012

**Quality Control:**  
 RLL  
 Date:

**Professional Surveyor:**  
 ALTA/ACSM Land Title Survey  
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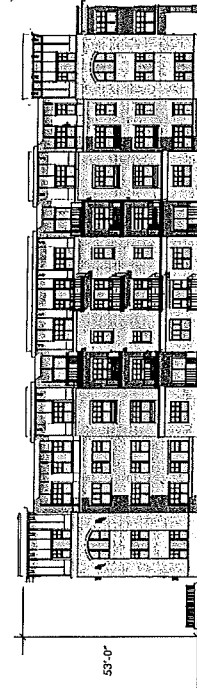
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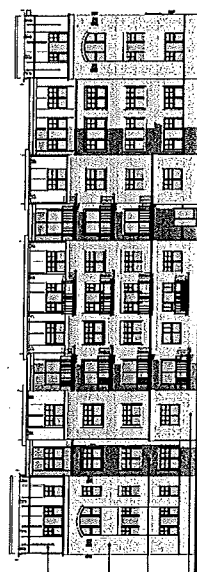
SNELLING AVENUE - WEST ELEVATION

- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY



SOUTH ELEVATION

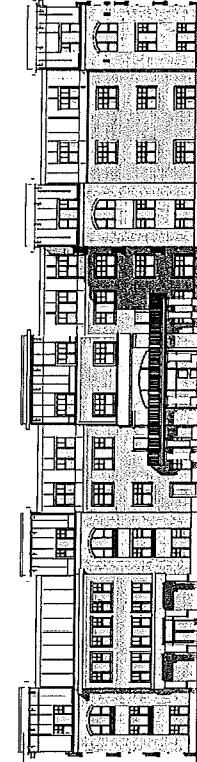
59'-0"



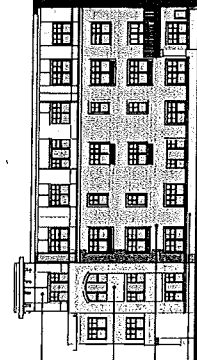
NORTH ELEVATION

- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY

53'-0"



INTERIOR COURTYARD - EAST ELEVATION



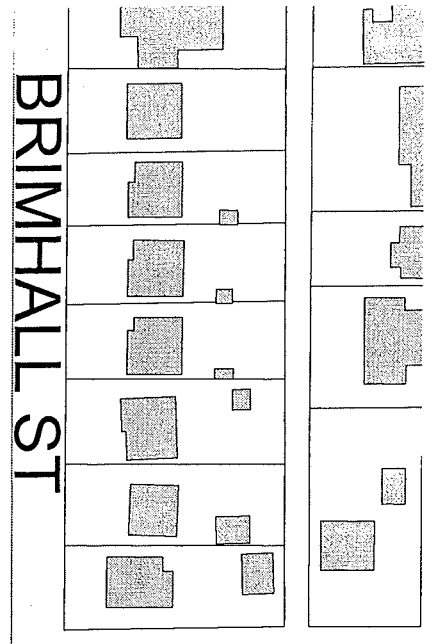
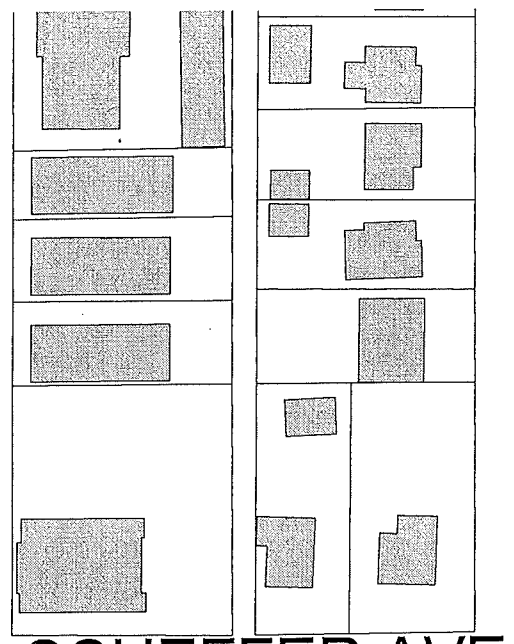
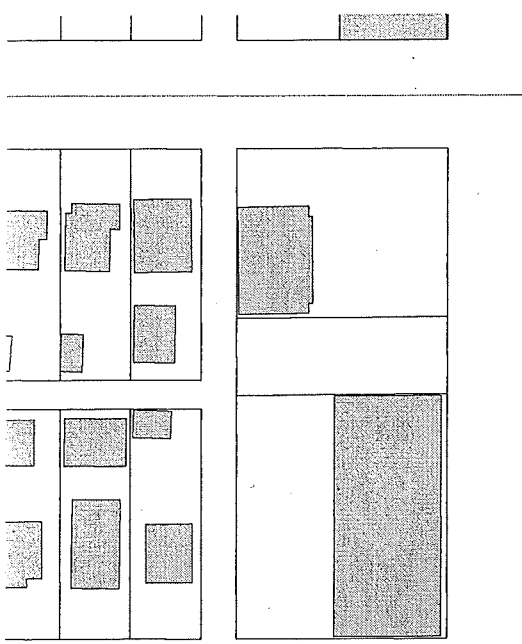
INTERIOR COURTYARD - NORTH ELEVATION

- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY

53'-0"

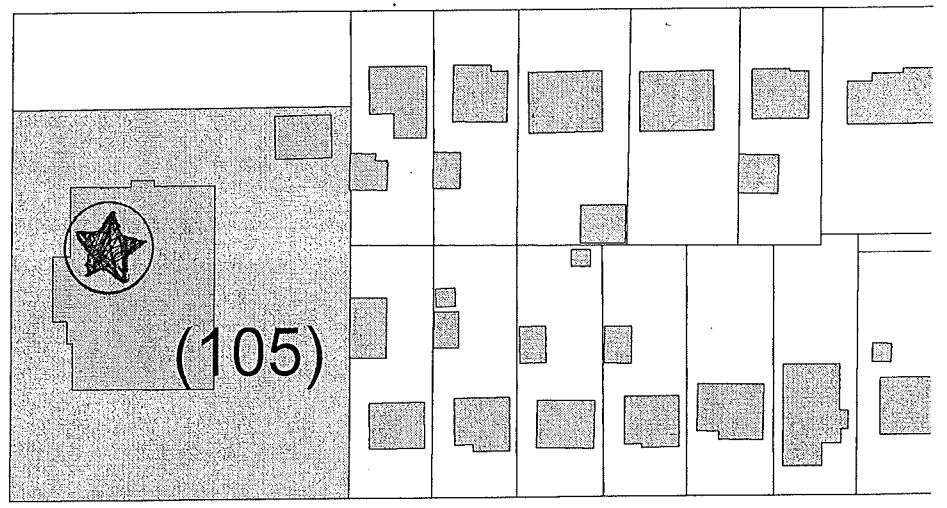
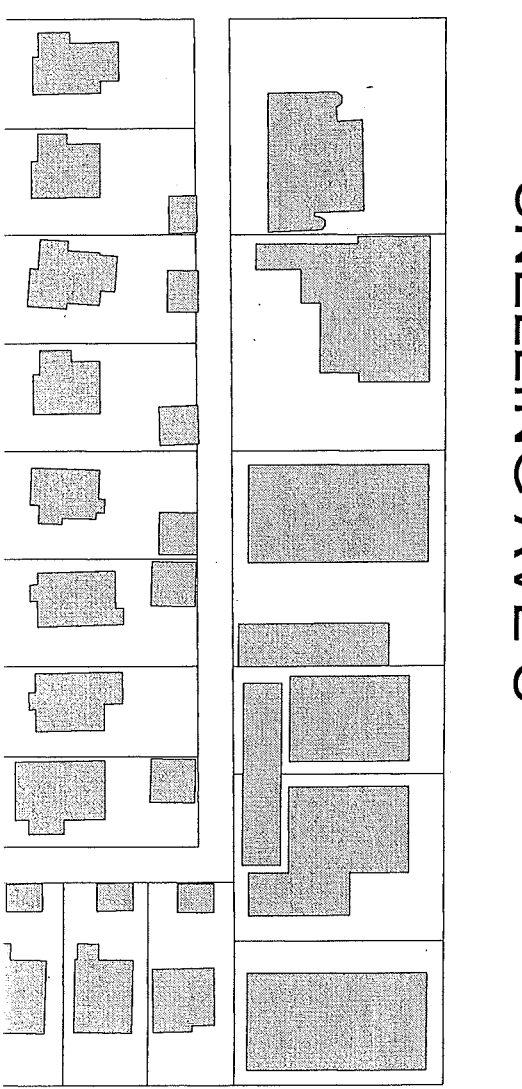


INTERIOR COURTYARD - SOUTH ELEVATION



BRIMHALL ST

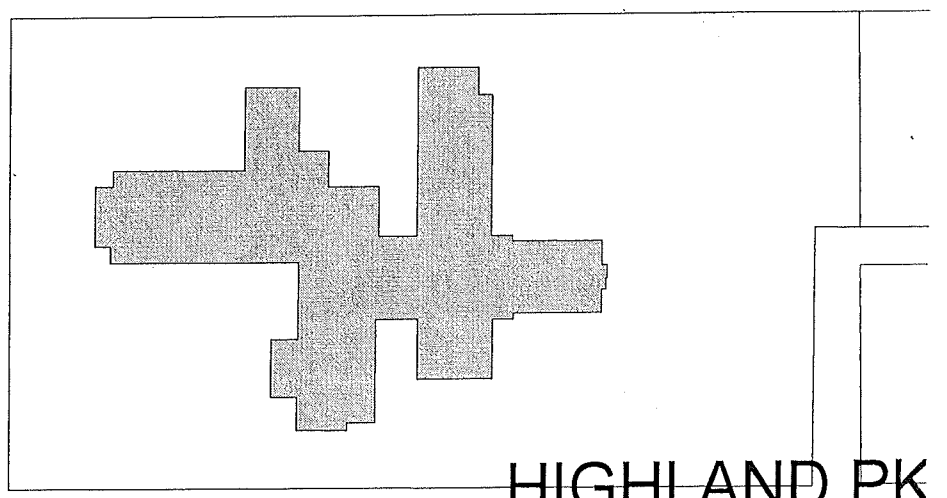
SCHEFFER AVE



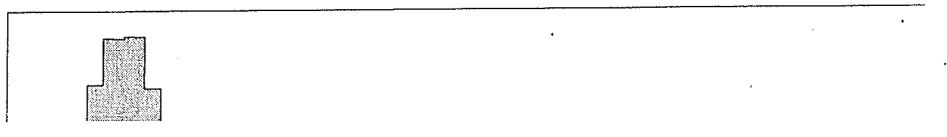
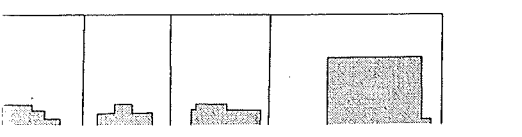
SNELLING AVES

(105)

ELEANOR AVE



HIGHLAND PK

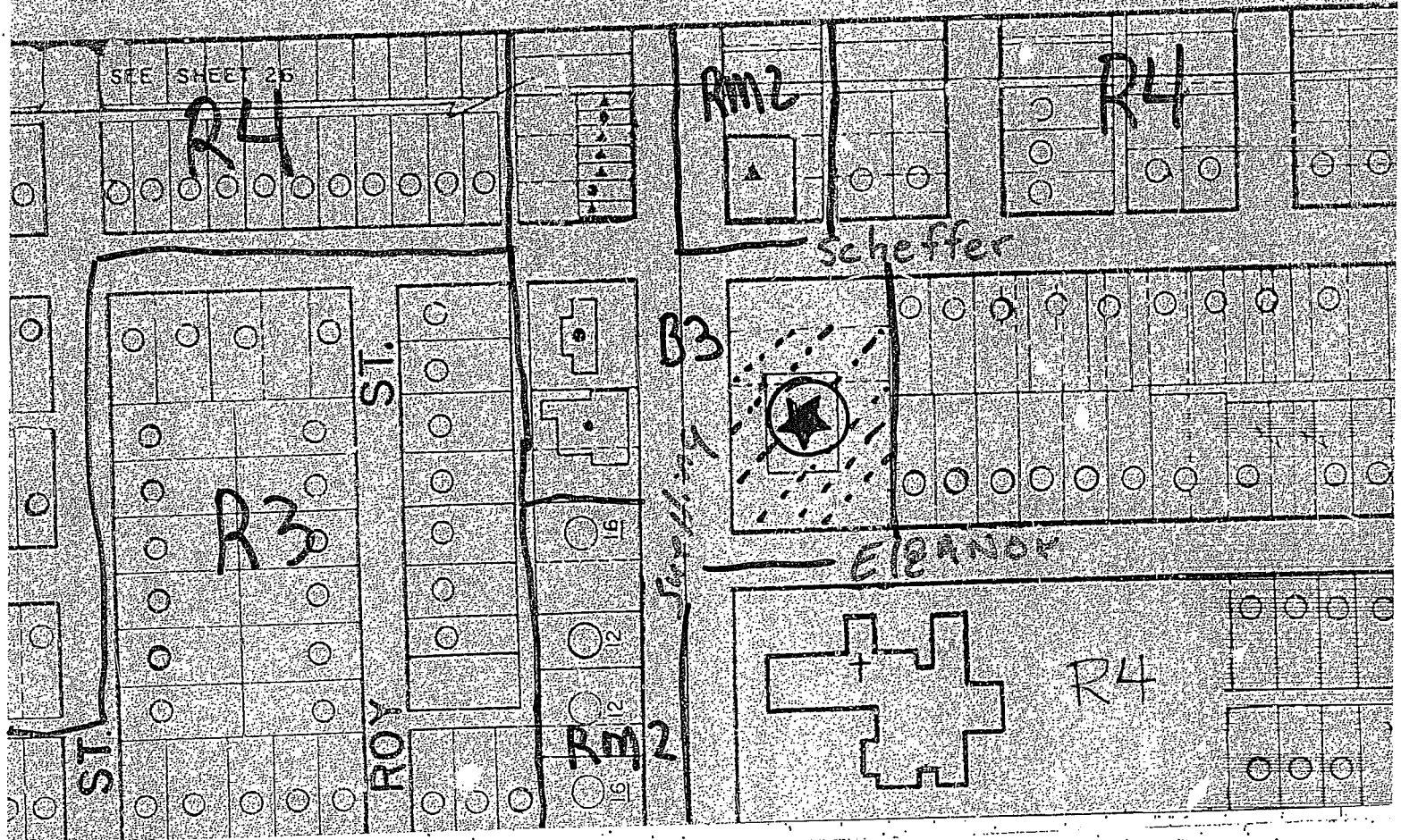


# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard  Show Reference Map





APPLICANT Bradshaw Group

PURPOSE Rezone B3 → T3

FILE # B-253015 DATE 11-25-

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

**PED**  
PLANNING AND ENGINEERING DISTRICT

north