

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** The Waters Senior Living
 2. **APPLICANT:** The Waters Senior Living
 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, *but T3 rezoning application to be heard by Saint Paul City Council on February 5, 2014.*
 7. **ZONING CODE REFERENCE:** §61.202(b); §63.310(c); §65.182(c)
 8. **STAFF REPORT DATE:** December 4, 2013; revised January 7, 2014 **BY:** Merritt Clapp-Smith
 9. **DATE RECEIVED:** Nov. 21 & Dec. 20, 2013 **60 DAY DEADLINE FOR ACTION:** January 20, 2014
Deadline extended to March 20, 2014
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- A. **PURPOSE:** Variance for driveway setback from adjacent single-family residential; and variance for green space requirement for assisted living facility in a traditional neighborhood district.
- 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.
§65.180 *Assisted Living* states that Standards and Conditions are defined per §65.182 *Nursing Homes*, and specifically for green space standards -- §65.182(c) *In traditional neighborhood development districts, the site shall contain a minimum of one hundred fifty (150) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities.*
- 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:
(1) Rezoning (#13-253-015) from B3 to T3 (to be heard by City Council on Feb. 5, 2014).
(2) Conditional Use Permit (#13-260-295) for fourteen (14) inches of additional building height (46 feet, 2 inches total) above the permitted forty five (45) feet for a residential building in a T3 zoning district.
(3) Variances for a driveway setback from adjacent single-family residential to allow a drive lane from Eleanor to the underground parking, and for a reduction to the minimum required green space per unit for an assisted living project in a traditional neighborhood district.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 15 submitted a resolution of support for the property rezoning and the project in mid-December 2013.

H. FINDINGS:

NOTE: In the findings below, the two variances are addressed separately.

1. DRIVEWAY -- 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.

GREEN SPACE -- Section 65.182(c) of the zoning code states that 150 square feet of green space is required per resident for an assisted living project. "The Waters" building is proposed as 80 units with an estimated 90 residents, therefore requiring 13,500 square feet of green space. The proposed green space in a courtyard and rear yard totals 9,037 square feet (67% of the total required), for a variance of 4,463 square 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.*

DRIVEWAY -- 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.

GREEN SPACE -- This finding is met. The project provides common outdoor yard space, patios and balconies for the residents to use in a manner consistent that is with the intent of the code and is sufficient for residents of this type of facility.

- b) *The variance is consistent with the comprehensive plan.*

DRIVEWAY -- 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.

GREEN SPACE -- This finding is met. Page 2 of the Housing Chapter states, "...greater housing density will be the hallmark of the next 20-30 years. In recognition of the importance of the stability of existing neighborhoods to Saint Paul's future, this density should primarily be geographically focused on transit and commercial corridors..." There is tension between the Comprehensive Plan goal of greater housing density on transit and commercial corridors and the green space requirement for assisted living projects in traditional neighborhood districts, where greater density is generally sought. If this housing project, which is a standard four (4)-story format, was to meet the required green space, one third (1/3) of the site would be dedicated green space.

- 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.

DRIVEWAY -- 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.

GREEN SPACE -- This finding is met. The green space requirement would set aside 13,500 square feet, or 33% of the 40,580 square foot site for green space. This is a large proportion of the lot for a major transit corridor, where dense development is generally encouraged. The quantity also seems in excess of what is needed by the residents, particularly since the applicant has found on previous similar projects that the greatest demand for common space from the residents is inside the building.

- d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

DRIVEWAY -- This finding is met. The site, project, and 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.

GREEN SPACE -- This finding is met. The property is a typical, tight urban lot on valuable land along a transit corridor. Lots that are large enough for senior living projects (which are generally large scale to support the shared services) are difficult to find in appropriate locations in the central city. This location is well suited to such a project, being in a largely residential area, along a walkable, mixed-use corridor, and with good transit service.

- e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

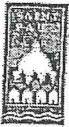
DRIVEWAY and GREENSPACE -- This finding is met if the property is rezoned from B3 to T3, where senior assisted living is a permitted use.

- f) *The variance will not alter the essential character of the surrounding area.*

DRIVEWAY and GREENSPACE -- This finding is met. The variances pertain to driveway placement and the amount of green space for residents. These variances, if granted, will not impact the essential character of the area -- it will remain a largely residential neighborhood along a mixed-use corridor with projects of varying height.

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

1. The property is rezoned from B3 to T3.
2. 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 55102-1634
(651) 266-6589

Zoning office use only
File number: **13-253080**
Fee: \$
Tentative hearing date: **12-12-13**
Section(s):
City agent:

20-15

~~658-10282333004~~
678-102823330105

APPLICANT

Name: JAY JENSEN Company: THE WATERS SENIOR LIVING
Address: 1600 HOPKINS CROSSROAD
City: MINNETONKA State: MIN 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 BRADSHAW 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: B33 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

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.



APPLICATION FOR ZONING VARIANCE
Department of Safety and Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806
General: 651-266-9008
Fax: (651) 266-9099

Zoning office use only

File Number: _____
Fee: \$ _____
Tentative Hearing Date: 1-16-13
Section(s) _____
City agent _____

PD=15

APPLICANT

Name Jay Jensen Company The Waters Senior Living
Address 1600 Hopkins Crossroad
City Hopkins St. MN 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) Bradshaw Funeral Group Phone _____

**PROPERTY
INFORMATION**

Address / Location 678 Snelling Ave. S.
Legal Description See submitted survey.
(attach additional sheet if necessary)
Lot Size 0.94 acres Present Zoning B3 Present Use Funeral Home
Proposed Use Senior Living (Assisted Living & Memory Care)

Variance[s] requested: A variance is being requested to allow less greenspace than the 150 s.f. per resident called for in Sec. 65.180.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

The greenspace requirement listed in Sec. 65.180 for 90 residents results in a requirement of 13,500 s.f. of greenspace for this project, which represents 33% of the overall site. The site is very small, and this greenspace requirement represents a hardship to the project. The current site plan provides 9,714 s.f. of open space on site, which accounts for 24% of the overall site.

For comparison, The Waters on 50th (& Beard), a similar project in terms of building size/number of residents and being an urban site, has 6,000 s.f. of landscaped therapeutic gardens. The Waters feels that this amount of green space for the Waters on 50th is fully adequate for their programming needs.

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's Signature

Date

12/20/13

1600 HOPKINS CROSSROAD
MINNETONKA, MINNESOTA
55305-2026

952-358-5177

December 23, 2013

Merritt Clapp-Smith
Senior City Planner
Planning and Economic Development
25 West 4th Street, 1400
Saint Paul, MN 55102

Subject: Waters of Highland Park Green Space Variance

Dear Merritt:


First of all, thank you for your help with our rezoning, variances and conditional use permit that are critical to making The Waters of Highland Park a reality. We look forward to developing and operating the eighty-unit assisted living community that creates over \$22 million of new development, 40 new jobs and eighty new homes for seniors who need additional services to thrive.

As you know, urban sites are often size constrained and need creative design to optimize the new use. In the case of The Waters of Highland Park, we are requesting a variance to the 13,500 square foot green space requirement because we can only create 9,714 square feet of green space or 3,786 square feet below the requirement. The green space that we do have in the "U" of the building will be designed for the senior residents to use in a safe and secure environment. We had a similar challenge with The Waters on 50th in Minneapolis which has approximately 6,000 square feet of green space for ninety assisted living units.

Senior residents living at our assisted living communities have an average age in the eighties and to provide them with a living environment in which they can thrive we incorporate approximately one-third of the interior living space as common areas which amounts to approximately 32,000 square feet. These interior community spaces include the dining room, well-being rooms, community rooms, beauty shop and spa, a bistro and other senior orientated community spaces.

In summary, while we do not quite meet the green space requirement, we do incorporate over 30,000 square feet of interior community space to complement the 9,714 square feet of green space. Thank you for your consideration of this variance.

Sincerely,



Jay Jensen
Principal

Request for Continuance

Date 12/18/2013

Gaius Nelson, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, Minnesota 55102

Re: Zoning File # 13-253080 for a variance to driveway setback for the proposed "Waters" project

Dear Mr. Nelson:

I am the applicant or the applicant's duly appointed representative for this zoning file.

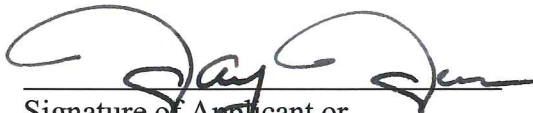
I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on January 2, 2014.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for January 10, 2014, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to January 16, 2014, I understand that the Planning Commission would then be scheduled to make their decision on January 24, 2014.

I am aware of and understand the statutory requirements found in Minn. Statute § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. § 15.99 by another sixty days to March 20, 2014, to accommodate the continuance I am requesting.

Sincerely,



Signature of Applicant or
Applicant's duly appointed
representative



Printed name of Applicant or
Applicant's duly appointed
representative

1486 Scheffer Ave.
St. Paul, MN 55116

Dec. 29, 2013

Zoning Committee
St. Paul Planning Commission
1400 City Hall Annex
25 Fourth Street West
St. Paul, MN 55102

Re: 13-253-080 The Waters Senior Living

I am writing to inquire what community communication process has occurred surrounding the construction of the Waters of Highland Park at 678 Snelling Ave. As a homeowner on the affected block of Scheffer Ave., I first heard of this project in an article in the current Dec. 18 issue of the Villager.

According to minutes on the websites of the Community Development Committee of the Highland District Council, a community meeting was referred to by the developer, but no notifications of such a meeting were ever received by myself or my neighbors. No documentation is provided that such a meeting actually took place or who attended it or what issues were raised. Approval for this massive project to be built at the end of our block was already passed at your last meeting, but this should be reconsidered if there indeed was not community input.

The west ends of both Scheffer Ave and Eleanor Ave at Snelling are rental property. Any notification to those owners was unlikely to inform anyone in the immediate neighborhood, including their renters, of the impending nature of this project. Nor were absentee landlords likely to be concerned with the impact of the footprint of the proposed Waters of Highland development.

From the available material online at the Highland District Council and Zoning Committee websites, the proposed new building will closely abut the property lines, have minimum green space around it and will tower over the neighboring single family homes not only immediately adjacent to the site but for many lots further into the neighborhood. The height, mass and square character of the proposed building are likely to put many lots in shadow, changing the neighborhood aesthetic. My fear is that many more homes at the west ends of these blocks will become rental instead of owner occupied as a result of this construction project.

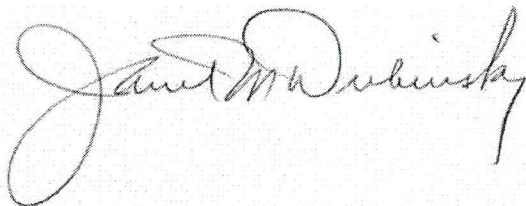
From what I can glean from the various minutes online, no consideration has been given to the increased traffic such a facility will bring to our residential streets. Families do visit relatives who live in these facilities and their visits will create both increased traffic and parking demands on our streets. The underground parking is described for staff. Already it is difficult to make a left turn from Scheffer or Eleanor onto Snelling. Will a stoplight be installed at the Scheffer-Snelling intersection to accommodate this increased traffic?

From my own experience caring for parents in similar facilities, comfortable and accessible egress and ingress are critical for this aged tenant. The project plans do not include any sort of pick up and drop off site for the seniors who will be living in the building. The formal entrance faces Snelling where no one will feel comfortable parking and trying to load a senior from a wheel chair or walker into their car while surrounded by traffic. The north side entrance facing the Hodroff parking lot is a tiny door with no lobby associated with it, so no senior will feel comfortable waiting for family at that location. At neither entrance will seniors be sheltered from inclement weather.

Apparently the only obstacle remaining to the construction of this oversized building is the variance to place the driveway within 3 feet of the property line instead of the required 25 feet. I want to register my formal opposition to that variance as it will permit this massive building to be placed immediately adjacent to existing single family homes. Respecting the 25 foot setback will provide a minimum of visual and auditory buffer space between this large building and the neighborhood.

I have no objection to the idea of building a senior facility at the end of our block. However, the planners of such a project need to position and proportion it so that it will blend into the existing neighborhood aesthetic and to provide accommodations for the prospective tenants and their families so that building access does not disrupt the quiet nature of the neighborhood behind them.

Sincerely,

A handwritten signature in cursive script, reading "Janet M Dubinsky". The signature is fluid and elegant, with a large loop at the beginning and a long, sweeping tail.

Janet M Dubinsky



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

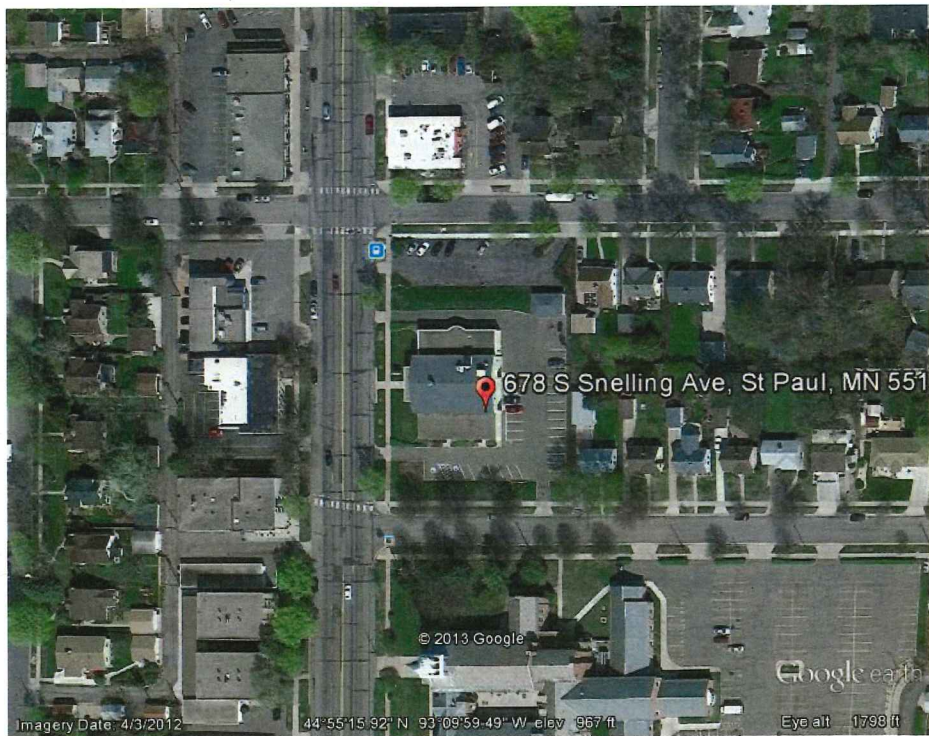
- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY



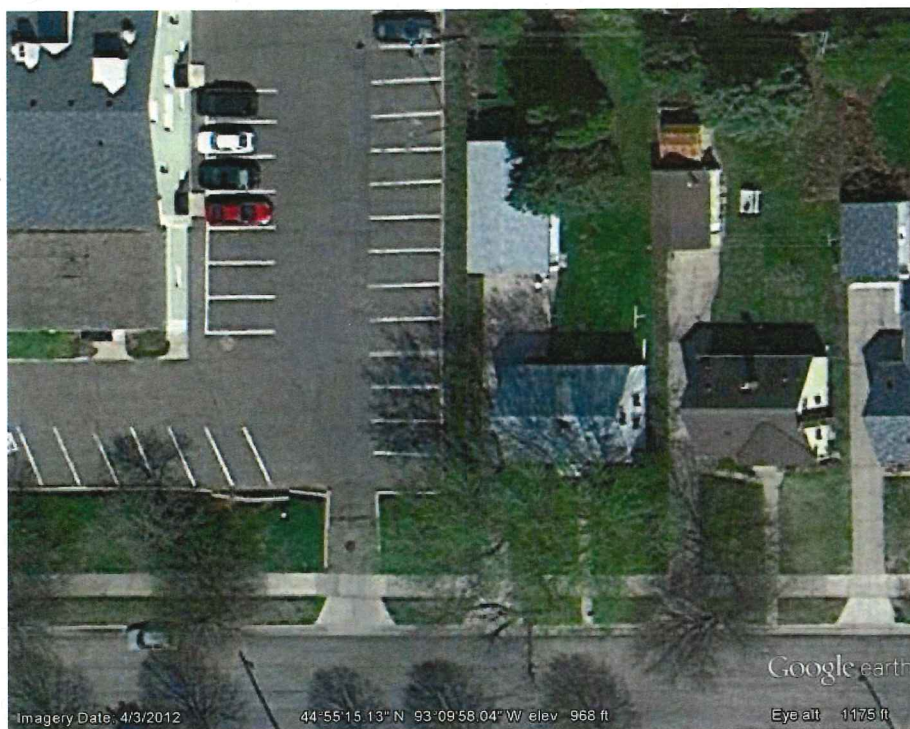
INTERIOR COURTYARD - SOUTH ELEVATION



K&W architects
kads
waters of highland park
wilson
St. Paul, MN



678 Snelling Ave South



Southwest corner of the property and adjacent residential lot and driveway

BRIMHALL ST

SCHEFFER AVE

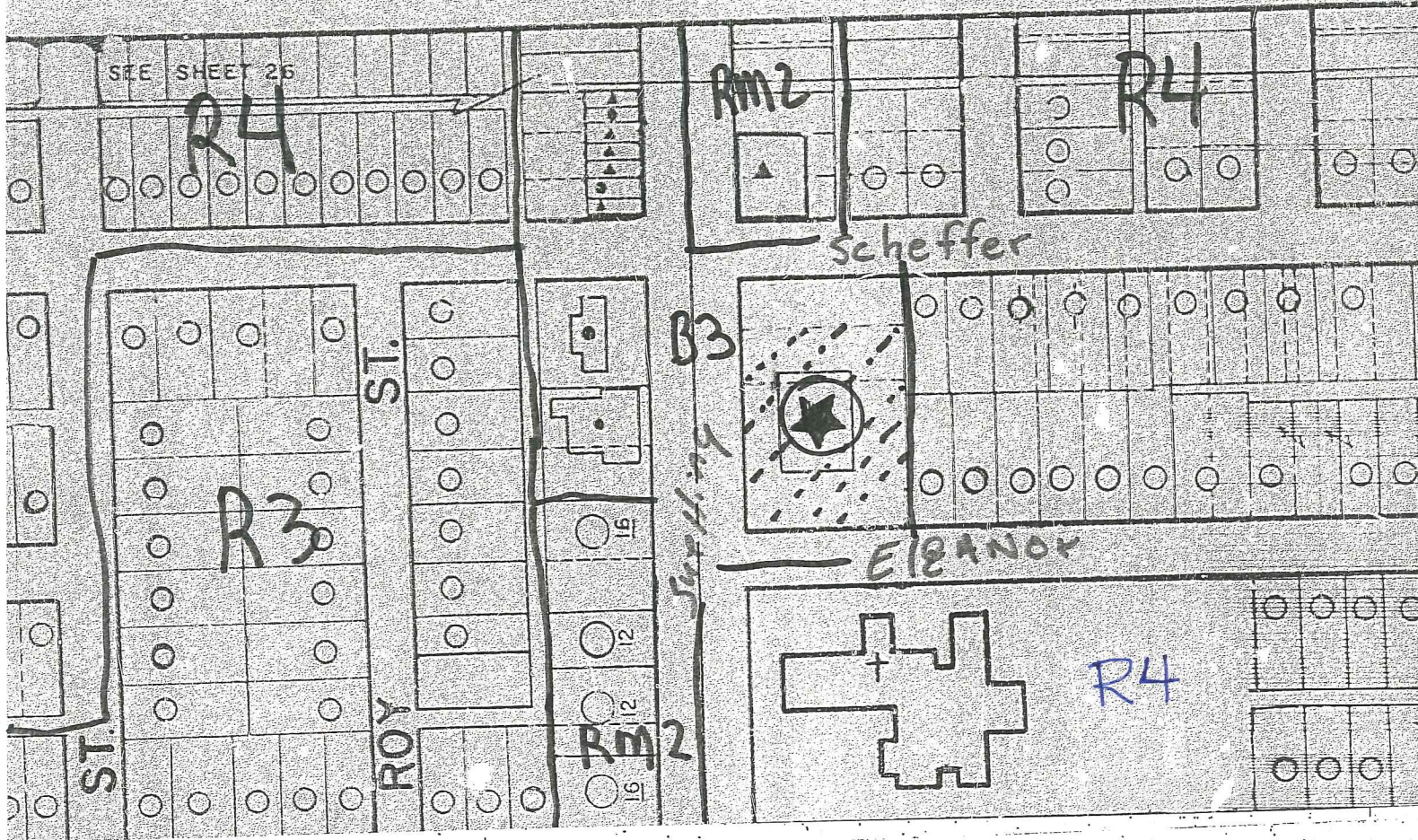
SNELLING AVE S

ELEANOR AVE

HIGHLAND PK



(105)



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
 V vacant

