



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Christopher B. Coleman,
Mayor

Steering Committee Meeting – 8:00 a.m., Room 41

Agenda

Saint Paul
Planning Commission

December 20, 2013
8:30 – 11:00 a.m.

Chair

Barbara A. Wencil
First Vice Chair
Elizabeth Reveal
Second Vice Chair
Paula Merrigan
Secretary
Daniel Ward II

- I. **Approval of minutes of December 6, 2013.**
- II. **Chair's Announcements**
- III. **Planning Director's Announcements**
- IV. **Zoning Committee**

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

NEW BUSINESS

#13-247-474 BLD Property Management – Establishment of legal nonconforming use status as an administrative office. 260 Aurora Avenue between Galtier and Marion. *(Hilary Holmes, 651/266-6612)*

#13253-015 The Waters Senior Living – Rezone from B3 general business to T3 traditional neighborhood. 678 Snelling Avenue South between Scheffer and Eleanor. *(Merritt Clapp-Smith, 651/266-6547)*

#13-253-080 The Waters Senior Living – Variance for driveway setback. 678 Snelling Avenue South between Scheffer and Eleanor. *(Merritt Clapp-Smith, 651/266-6547)*

#13-214-588 Vintage mixed use development (with Associated Bank building) – Site plan review for the Vintage mixed-use development. 1573 Selby Avenue. *(Tom Beach, 651/266-9086)*

Pat Connolly
Daniel Edgerton
Gene Gelgelu
William Lindeke
Kyle Makarios
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Betsy Reveal
Tony Schertler
Emily Shively
Robert Spaulding
Terri Thao
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

- V. **Neighborhood Planning Committee**

Hamline Midway Community Plan (District 11) – Approve resolution initiating zoning study, release draft for public review and set a public hearing on February 7, 2014. *(Josh Williams, 651/266-6659)*

Source-Separated Organics Zoning Study – Approve resolution recommending zoning code amendments to the Mayor and City Council. *(Bill Dermody, 651/266-6617)*

- VI. Midway East Commercial Market Analysis – Informational presentation by Gretchen Nicholls, Local Initiatives Support Corp. and Mary Bujold, Maxfield Research.
- VII. Comprehensive Planning Committee
- VIII. Transportation Committee
- IX. Communications Committee
- X. Task Force/Liaison Reports
- XI. Old Business
- XII. New Business
- XIII. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF DECEMBER 16-20, 2013

Mon (16)

Tues (17)

3:30- Comprehensive Planning Committee
5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)

HAS BEEN CANCELLED

Weds (18)

Thurs (19)

5:00 p.m. Heritage Preservation Commission

Room 40 City Hall
Lower Level
Enter building on 4th Street
15 W. Kellogg Blvd.

Public Hearing/Permit Review

464 Ashland Avenue, Hill Historic District, by Carlsen & Frank Architects, for a building permit to construct an addition to the side and rear of the house, including site grading and a patio. File #14-009. (*Boulware, 651/266-6715*)

New Business

Streetcar Feasibility Study Recommendations – Adopt a resolution providing comment to the Planning Commission. (*Boulware, 651/266-6715*)

Fri (20)

8:00 a.m. Planning Commission Steering Committee
(*Donna Drummond, 651/266-6556*)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

#13-247-474 BLD Property Management – Establishment of legal nonconforming use status as an administrative office. 260 Aurora Avenue between Galtier and Marion. (Hilary Holmes, 651/266-6612)

#13253-015 The Waters Senior Living – Rezone from B3 general business to T3 traditional neighborhood. 678 Snelling Avenue South between Scheffer and Eleanor. (Merritt Clapp-Smith, 651/266-6547)

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#13-214-588 Vintage mixed use development (with Associated Bank building) – Site plan review for the Vintage mixed-use development. 1573 Selby Avenue. (Tom Beach, 651/266-9086)

Neighborhood Planning

Committee..... Hamline Midway Community Plan (District 11) – Approve resolution initiating zoning study, release plan draft for public review and set a public hearing on February 7, 2014. (Josh Williams, 651/266-6659)

Source-Separated Organics Zoning Study – Approve resolution recommending zoning code amendments to the Mayor and City Council. (Bill Dermody, 651/266-6617)

Informational Presentation... Midway East Commercial Market Analysis – Informational presentation by Gretchen Nicholls, Local Initiatives Support Corp. and Mary Bujold, Maxfield Research.

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes December 6, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 6, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Perrus, Reveal, Thao, Wang, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Ochs, Oliver, and Schertler.

Commissioners Absent: Mmes. *Porter, *Shively, and Messrs. *Spaulding, *Ward, and *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Michelle Beaulieu, Bill Dermody, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes November 1st and November 15, 2013.

MOTION: *Commissioner Reveal moved approval of the minutes of November 1, 2013. Commissioner Makarios seconded the motion. The motion carried unanimously on a voice vote.*

and

MOTION: *Commissioner Reveal moved approval of the minutes of November 15, 2013. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl announced that the Planning Commission will have a retreat immediately after the January 10, 2014 meeting which will last until noon. The retreat will focus on parking policy. Commissioners are asked to put this on their calendars.

III. Planning Director's Announcements

Donna Drummond added that the Steering Committee has met several times to organize the retreat. Based on the survey that was distributed to commissioners, scheduling the retreat right after a regular Planning Commission meeting would be the most convenient. The steering committee decided to focus this retreat on parking and its impact on urban form. More details will be forthcoming

At Wednesday's City Council meeting, the Alcohol Production Zoning Study amendments and

the Highland Village Sign Amendments were adopted. Also, Ms. Drummond received an email from the national American Planning Association regarding its planning board publication for commissioners. Every issue highlights a different planning commission from around the country and they would like to feature Saint Paul in an upcoming issue. A group photo of the commission will be taken immediately following the Dec. 20th meeting.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Three items to come before the Site Plan Review Committee on Tuesday, December 10, 2013:

- American Engineering Testing, new storage building at 550 North Cleveland Avenue.
- Sun Ray Library, expansion of existing building and parking lot at 2105 Wilson Avenue.
- Highland Library, expansion of existing building and parking lot at 1974 Ford Parkway.

NEW BUSINESS

#13-247-486 ABRA Auto Body & Glass – Conditional use permit for an auto body shop. 1190 University Avenue West between Griggs and Dunlap. *(Jake Reilly, 651/266-6618)*

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#13-247-501 Transition Homes Corporation – Conditional use permit for transitional housing facility with modifications of the permitted number of residents (25 currently permitted, 31 proposed). 1956 Feronia Avenue, SE corner at Prior. *(Jake Reilly, 651/266-6618)*

Commissioner Ochs asked about the reason for the 16-resident limit in the OS district.

Commissioner Nelson said that a difficulty with this kind of use is that there are several types of supportive housing, and zoning requirements vary by type and by zoning district. There's a maximum percent of planning district population requirement that applies generally. Size limits for individual facilities vary by type and zoning district, with some allowing larger facilities. Limits on number of residents seem to be about integrating such uses into neighborhoods.

Commissioner Merrigan noted that the original conditional use permit for this facility was for 25 residents, and the county has asked them to increase the number. We're considering the ability of this particular facility and location to accommodate a larger number.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit. The motion carried unanimously on a voice vote.*

#13-247-474 BLD Property Management – Establishment of legal nonconforming use status as an administrative office. 260 Aurora Avenue, SE corner at Galtier.

(Hilary Holmes, 651/266-6612)

Commissioner Nelson announced that this case has been laid over to the December 12, 2013, Zoning Committee meeting.

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, December 12, 2013.

V. Transportation Committee

Saint Paul Streetcar Feasibility Study – Release draft for public review and set a public hearing on January 24, 2014. *(Michelle Beaulieu, 651/266-6620)*

Michelle Beaulieu gave an update on the Streetcar Feasibility Study. The study is to evaluate the feasibility of developing streetcar service in St. Paul and prioritize potential streetcar corridors. Phase 1 of the study, corridor screening, and Phase 2 of the study, detailed evaluation, are completed. Ms. Beaulieu said phase 3 of the study has determined a starter line and identified a strong starter network. Phase 3 evaluation criteria includes ridership potential, development potential, capital costs and operating costs. Phase 3 was broken into two components, one looking at the evaluation results to make a recommendation on where the starter line should be, and the other to refine the initial line. Ms. Beaulieu showed a map of the proposed starter streetcar line and the proposed long term streetcar network. The Planning Commission is being asked to release the study for public review and set a public hearing date for January 24, 2014. City staff is doing additional public outreach and scheduling some open houses. They will be attending district council meetings and meeting with regional partners to coordinate with other ongoing studies.

Commissioner Ochs asked if in evaluating development potential there was consideration of whether there was a work center, a higher density housing project, or a retail center that would give people a destination along the line.

Ms. Beaulieu said that yes, strong anchor or terminal points were a major consideration both in defining the lines on the long-term network and in refining the initial starter line. To do that refinement, the West and East 7th lines were broken into segments, and each segment had a strong anchor point as a transit transfer point, an activity node, or a major redevelopment site.

Commissioner Reveal asked about the potential for federal Small Starts funding to help pay for the line.

Ms. Beaulieu said that the federal Small Starts program is extremely competitive. The Small Starts program is a subset of the New Starts program, limited to projects that have under \$250 million in capital costs, and are only eligible for \$75 million in federal funding. This line has comparable ridership estimates to other streetcar projects applying for federal funding, but the amount of money available through this program is likely to shrink moving forward.

Commissioner Reveal noted that the West Side Flats Master Plan is about to be released for public hearing and it may affect ridership estimates. There are three catalysts for development in the plan. The first is the planned greenway from Plato to the river, the second is what happens along Robert, and the third is the West Side Flats housing project or some other catalytic housing project. And if the second phase of the starter projects includes Robert then that is probably the right timing for this plan.

Commissioner Lindeke said that if you look at the actual economic development predictions combined with the estimated costs Robert is easily the number one line. So what was the thought process when deciding whether to go with that for the first line or not.

Ms. Beaulieu said that the economic development potential numbers are the result of an analytic exercise for comparative purposes between corridors studied, and not necessarily a prediction of how much property value increase is expected in these corridors.

Commissioner Noecker asked how this feasibility study relates to the Robert Street transit alternatives study. Also when will we have a sense of the downtown alignments?

Ms. Beaulieu said that the City has been working with the County on the Robert Street Transit Alternatives Study, which is a more in-depth study of this corridor. It has different objectives than the Streetcar Feasibility Study, and may have different results. However, streetcars are compatible with any non-streetcar recommendations that may come out of the County study. Downtown alignments would have to be determined as part of the subsequent study.

Commissioner Thao asked about the timeline for moving forward. Is it all completely dependent on the Small Starts federal funding?

Ms. Beaulieu said that next steps are to be determined based on finding funding for the subsequent phase of study, and coordinating with other studies being completed by Metro Transit and the Ramsey County Regional Rail. This has to happen first before there can be an application for federal funding. Small Starts is only available for capital costs.

Commissioner Nelson said it seems that the \$250 million cap and the \$246 million estimated cost for the starter line are close. Public works projects tend to escalate in costs. Has there been any look at potentially shorter lines in order to make sure that we stay within the cap? Looking at some of these incremental increases it seems like some of the segments in order to gain only 100 riders on a weekly basis you're spending a lot of money. The per rider cost is significantly higher and the half a million dollars a year in operating cost for 100 riders, not to mention the capital cost, seems like a lot.

Ms. Beaulieu said that the benefits of streetcars come from more than just ridership, but that the line could potentially be shortened through the process of the subsequent study, during which time capital costs would be refined further. Examining downtown alignments may also change the proposed length of this initial starter line.

Commissioner Edgerton noted the \$246 million estimated cost versus the development potential of \$134 million. So even with \$75 million in federal funds we're still talking \$170 million for the local match. The benefit cost analysis doesn't seem to hold up or is there something that he is missing. Is there another reason that we want to spend \$170 or \$250 million in cost investment for \$134 million in development potential. Are there other benefits that we would be getting that would make this worthwhile? He is all for streetcars but you have to look at the dollars and whether it makes sense.

Ms. Beaulieu that the numbers in the study are not meant as a projection but as a tool to compare the corridors to one another. There are many non-quantifiable benefits to streetcar service as well, and even the transit benefits to the residents and workers along these corridors are not captured in these dollar amounts.

Chair Wencil stated that a few years ago on West 7th we were considering a rapid bus way and ultimately it was turned down. What is different about this project and why would people be willing to have this one go ahead when they didn't support the other?

Ms. Beaulieu said that the bus way proposal included the widening of the roadway and other major street infrastructure changes that made the project unappetizing to the residents of the area. Streetcar projects work within existing right of way, and in this study the assumption is that streetcars would not require additional roadway space. Curb bump-outs or widened sidewalks would be installed at streetcar stops. These design considerations have been welcomed by the community. Discussions with members of the community on West 7th, as well as with other staff and officials, who were a part of the West 7th bus way conversations, have indicated a preference for the streetcar project.

Commissioner Ochs said regarding the phase 2 analysis of development potential, were there points or values assigned to anything that would be occurring in the future or known developments that are coming in advance? Because it seems that the streetcar line would coincide nicely with the Green Line LRT corridor in helping support its numbers and both feeding off one another. So the Snelling South line would seem to magnify the ridership on the Green Line and vice versa, so there are additional benefits.

Ms. Beaulieu said that the streetcar study considered major redevelopment sites and Green Line transit stations as strong terminal locations for streetcar lines. The Grand Avenue and Selby lines were extended to make connections to the Green Line. When analyzing the various segments for the initial starter line, strong terminal locations were considered for each segment.

Commissioner Schertler said there is competition for transit resources, with more asks than sources with the transit sales tax currently being collected. He was also concerned about the potential impact of City operated and built transit facilities opting out of the regional evaluation of transit need and resource allocation. So there has to be an honest conversation among the governmental entities about how to move people in the most cost effective way. He knows there will be further study but talked about his experience riding the bus for 15 years along Randolph & 7th and is concerned there will be reductions to bus service to support streetcar and an increase in forced transfers from bus to streetcar to make it viable. He's researched what other cities have

done and noted the inability of charging riders enough to cover operating and capital cost debt service. He said there needs to be a variety of potential sources evaluated to pay for the balance, including potential property owner assessments and the City's general levy. The City will need to carefully evaluate the total costs and benefits before it decides to move ahead.

Ms. Beaulieu said the streetcar planning avoided forcing transfers. The second line that Metro Transit is considering for arterial bus rapid transit is the West 7th line, which would be an improvement to the 54 bus. This line would serve the long trips in the corridor, while a streetcar could serve the local trips in the densest part of the corridor.

Commissioner Schertler said transit investments need to be looked at on a regional basis. If streetcar is serving primarily a local need, he expressed doubts there are the local resources to fill the gap based on the expected benefit of the new development.

Ms. Beaulieu said that as we look at a bigger regional picture or even state wide, we subsidize roads and freeway interchanges, so if we are going to increase the capacity in the central cities and have the kind of population and employment growth the Met Council says that we have to have, then this is the sort of investment we need to make on a regional level—accommodations for more people and jobs in these sorts of dense neighborhoods.

Donna Drummond added that those are really good points and these are the debates that we will have in more depth, especially as we get into the second phase study. There is a regional discussion happening now about the role of streetcars and whether or not that becomes incorporated into the whole system that Metro Transit operates. It is not a given that the City would be operating this at all so there is still more conversation about that. It makes sense that there is a transit agency that runs all of the transit.

Commissioner Connolly would like to know what insights can be shed on the estimated development potential. What does the \$134 million mean? Is that the present value of the increment of taxes over 20 years or is that how much capital is going to be invested that wouldn't otherwise?

Ms. Beaulieu stated that the \$134 million development potential represents potential total property value (including that of potential building improvements) increase that could be seen once a streetcar line is built. It is based off current average property values along the line, and assumes under or un-developed properties would improve in value to a value based on the average property value for that corridor.

Commissioner Noecker suggested putting in a section in the report comparing streetcars to buses. She also suggested adding more explanation about what would happen in the next phase of the study so people don't think that if this is approved tomorrow that there's going to be a streetcar going down W. 7th. Also, add more information on the downtown alignment, funding and possibly the timing of the next phase.

Commissioner Wang asked about the comparison between increasing or adding bus service versus a streetcar line. Do we say that increased bus service doesn't impact development potential like streetcar?

Ms. Beaulieu said that there is limited research showing the impact of bus improvements on economic development, and particularly on the sort of bus improvements being discussed (which are not using dedicated right of way for the bus route).

Commissioner Wang stated that when this study started she thought we would get to a clear decision point about whether we are moving ahead with streetcars or not. It seems that we are moving forward and there hasn't been a consideration of whether this makes sense. So when cities do streetcar feasibility studies do they ever say no?

Ms. Beaulieu said that the consulting team looked at various attributes of the corridors throughout Saint Paul, and based on their expertise believes that streetcars would be feasible on the corridors identified as part of the long-term network. It will be up to the City Council whether or not to move forward with additional study for a potential starter line, as recommended by this study. The Planning Commission will make a recommendation to the City Council before that decision is made.

Commissioner Perrus asked if the ridership numbers took into account the Met Council's plan for arterial bus transit down the same route. How does this affect ridership for both?

Ms. Beaulieu said that the proposed arterial bus transit line is similar in many ways to the existing 54 bus, which is what the ridership numbers here take into account. Additionally, the bus improvements are several years out as Met Council has yet to identify the full funding for that project. Lastly, the arterial bus transit would be a longer distance connection with wider stop spacing, while the streetcar would serve a local market in the denser part of the corridor. Combined these services will serve multiple markets and complement, not compete with, one another.

Commissioner Perrus said that her question relates to operating cost over more than one system if we're assuming an operating cost of a streetcar but yet we're losing ridership off the bus service. We've got to find a way to spread those costs out over everything we're providing. We're spreading ourselves more thinly rather than creating a new base of support to cover those costs.

Ms. Beaulieu said that it is expected that the streetcar system would attract new riders to the system, but that funding for the streetcar's capital and operating costs have not yet been identified.

Commissioner Nelson said that segment b of the starter line is 100 riders. Looking at the operating costs it's not \$5.00 a trip but \$20.00 per rider trip just for that last 100 riders. There is an increment of \$500,000 for 25,000 weekday trips. So \$20.00 per trip for 1/3 of a mile and you could take taxi cabs all day for a lot cheaper. So having a finer grained analysis might help people understand where that breaking point is and whether it's worth doing or not.

Ms. Beaulieu said that these numbers, though more refined than in previous phases of this study, are still very rough and that in further studies, would be looked at on a finer grain. Because this was a citywide feasibility study only, there was a limit to the amount of detail that could be analyzed.

Commissioner Merrigan said regarding the south and west area, Shepard Davern is an automobile gateway to the city. There is consideration of balancing traffic between Shepard and West 7th with roadway changes and with all this transit being looked at for the corridor, there needs to be a lot of coordination so that we're not ripping things up again after initial investments are made.

Ms. Beaulieu said that the upcoming Riverview Corridor study, being run by the Ramsey County Regional Rail Authority, will examine multiple modes on multiple alignments through this corridor, and that the City is coordinating efforts and studies with them to assure that everything works together well.

Commissioner Thao said that similar to Central Corridor, there needs to be consideration and thought about the impact on small businesses during construction and after with rising property values they may not be able to afford. Development potential usually means bigger developers coming in and kicking out all the folks there.

Commissioner Connolly expressed doubts about the \$134 million in development potential and roughly calculated the taxes that might be generated by that at \$4 million more a year in taxes. He thinks it could be less because there will be people driven out of business causing buildings to sit empty for a couple of years. The \$134 million doesn't mean anything to him because it's not revenue coming into the city.

Ms. Beaulieu said that they are using those numbers as comparative figures only.

Donna Drummond, Planning Director, added that this was just a methodology to compare these corridors one amongst the others so that there could be an evaluation of which of these corridors really has the best potential. It's not a true estimate of the development that's going to happen but it's just a methodology rank these corridors. Also, property tax revenue is just one factor to look at. There are so many other factors of benefit to the community that have to be evaluated.

Commissioner Edgerton suggested that maybe they should change the term from development potential to something different, because reading that we make an assumption about what that means. We're thinking of it as development potential and you're now saying it's really not supposed to be that. So maybe think about calling it something different so people don't jump to that conclusion.

Commissioner Merrigan said that it's difficult to say we have enough data to determine X, but we don't have enough data to really say a lot about X. It's really crucial that you do present things as methodology or some of the suggestions Commissioner Noecker made because otherwise people are going say how can you be so sure about this and not know about that.

Commissioner Reveal has done many of these in her life and two years from now none of these numbers will mean anything and the capital cost will be higher and the operating cost will be higher and the ridership will be lower. She predicts that in the end we may think about streetcars in a much narrower sense as almost an environmental amenity that is triggered towards certain specific kinds of development in very narrow areas. She suggested pulling out all the cost numbers in here and adding a clear description of what the methodology was, what the limitations are, what's likely to be different when you actually get down to the engineering and see if you can't get the discussion away from that.

Ms. Drummond added that people need to understand you have to start somewhere and you can't have this initial study answer all these questions to the level of detail and satisfaction you have to reach to actually decide yes we're going to make this investment. We need to clearly explain this and get people to understand really what this means, and that we are going to be doing a lot more analysis if we decide to move forward.

MOTION: *Commissioner Wang moved on behalf of the Transportation Committee to release the draft for public review and set a public hearing on January 24, 2014. The motion carried unanimously on a voice vote.*

Commissioner Wang announced the next Transportation Committee meeting on Monday, December 9, 2013 has been cancelled.

V Comprehensive Planning Committee

Commissioner Merrigan had no report.

VI. Neighborhood Planning Committee

Commissioner Oliver announced the items on the agenda at the next Neighborhood Planning Committee meeting on Wednesday, December 11, 2013.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force/Liaison Reports

Commissioner Reveal announced that the West Side Flats task force had their open house, which was very successful. The next step is the final draft and the key issue is whether T4 zoning with some modification on the height in the master plan is going to be acceptable or not. The T4 zoning as it stands is higher than what the task force has recommended and there is considerable pressure from riverfront interests to have it much lower so that will be going on for the next month. Another issue is that in order for all the stormwater improvements that they contemplate in the plan to be feasible there needs to be in a watershed management district created.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 10:08 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

PED\butler\planning commission\minutes\December 6, 2013



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

**Tuesday, December 17, 2013
2nd Floor Conference Room
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	New 2800 square foot commercial building at the corner of Ford and Finn 2111 Ford Parkway This site is one of the outlots from the Walgreens development

Applicants should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

**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

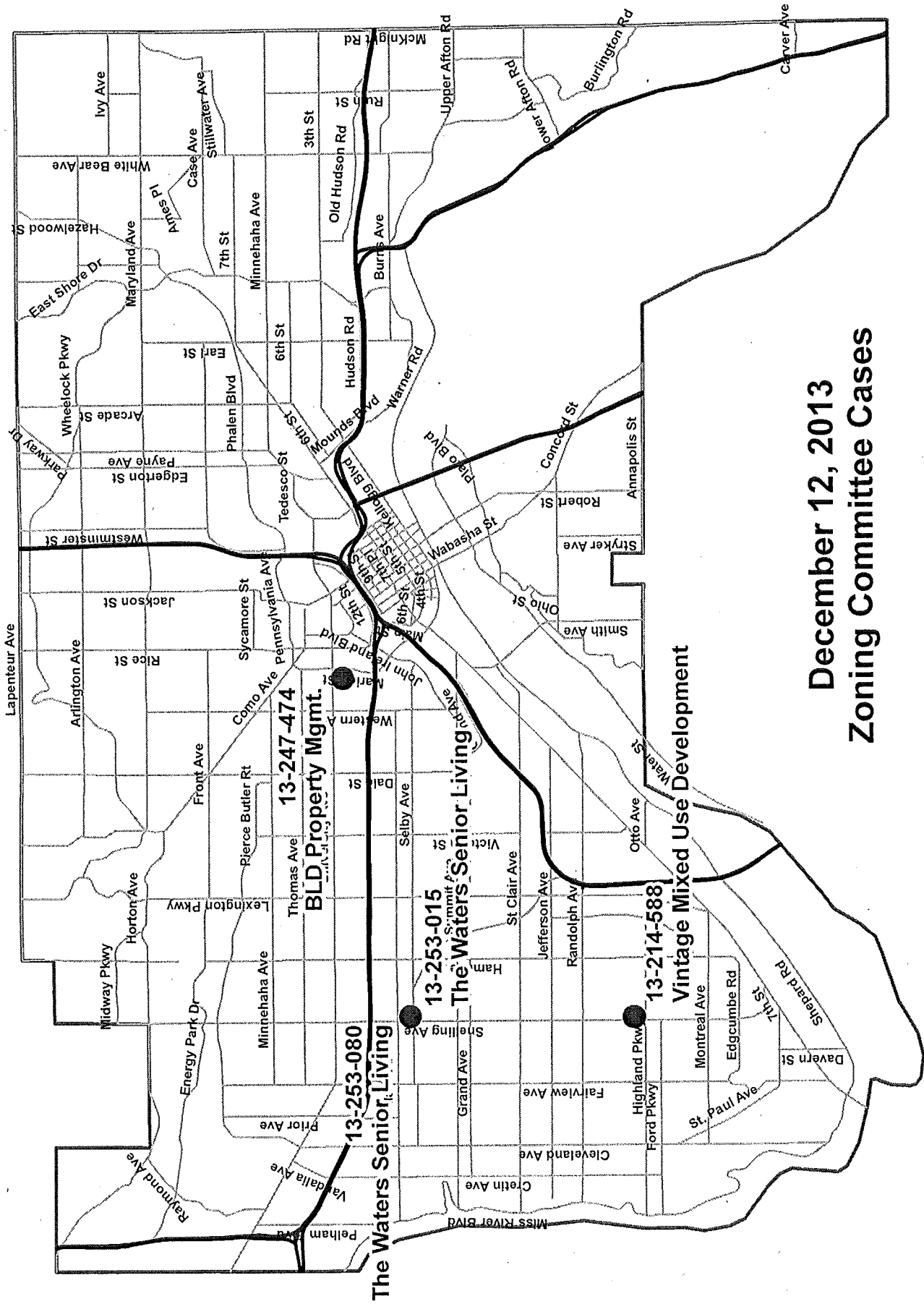
- 2 13-253-015 The Waters Senior Living**
Rezone from B3 general business to T3 traditional neighborhood
678 Snelling Ave S, between Scheffer and Eleanor
B3
Merritt Clapp-Smith 651-266-6547
- 3 13-253-080 The Waters Senior Living**
Variance for driveway setback
678 Snelling Ave S, between Scheffer and 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, 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



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

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 9th and Wednesday December 11th 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

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
-

- 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 36-29-23-41-0030)

Legal Description Florence Addition to ST Paul W 1/2 of lot 10 & all of

Lot 11 Blk 3 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 _____

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

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

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.

[illegible]

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.,

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

INVOICE N^o.

CONTRACT NO.

TOTAL DUE

DATE DUE 02/01/01

254.0:

DATE DUE 02/01/01

295.6

THIS
CH your
date for
e.,

DATE DUE 02/01/80

REMS OF MINN

03

RETURN THIS PORTION

TOTAL

TOTAL DUE

549.7



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

01/29/2002
DATE OF INVOICE:
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
	Kitchen Equipment				
	H&K and Kopco				
	DATE DUE 03/01/02	654.65			654.65
	DATE DUE 02/01/02	654.65			
TOTAL DUE					1,309.30

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 Dabrael

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 Maaly	Debra Maaly	10/22/2013
247 Fuller Ave	Melba R. Cyprian	Melba R. Cyprian	10/22/13
263 Aurora Ave	Eugene Read	Eugene Read	10-22-13
259 Fuller Av	James & Sally Jacques	Sally Jacques	10-22-13
261 AURORA	LAURA L PERDUE	Laura L Perdue	22OCT 2013
244 AURORA AVE	Thai King	Thai King	10-22-13
248 Aurora Ave	Joetta Schlabeck	Joetta Schlabeck	10-22-13
254 Aurora Ave	Paula L. Hutchinson	Paula L. Hutchinson	10-23-13
243 Fuller AVE	St. Louis	St. Louis	10/23/13
245 Fuller Ave	Donny Lindquist	Donny Lindquist	10/23-13
445 GALTIER ST	Tom Thibault	Tom Thibault	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)

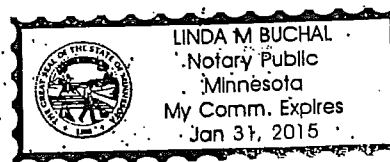
The petitioner, Louis C. Henry, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition 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

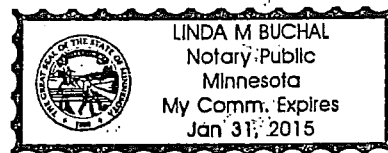
1996 County Rd D #303

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

File

OFFICE OF LICENSE, INSPECTIONS AND
ENVIRONMENTAL PROTECTION

Robert Kessler, Director



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.

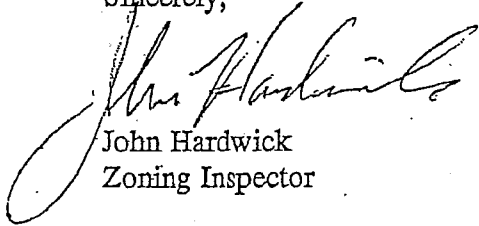
The referenced property is located in an RT-2, townhouse residential, zoning district. As noted in the information sheet, home businesses are allowed in residential districts provided that they meet certain conditions and that they don't change the residential character of the neighborhood. Your proposed 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 dark ink, appearing to read "John Hardwick". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

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

JEROME A. RITTER

JEFFREY J. FENSKE

(612) 222-6700

FAX 222-1263

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.

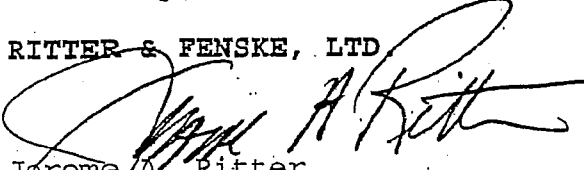
I will continue to explore other potential sites or properties. I will continue to work with the understanding that you would prefer to have

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

Holmes, Hilary (CI-StPaul)

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

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

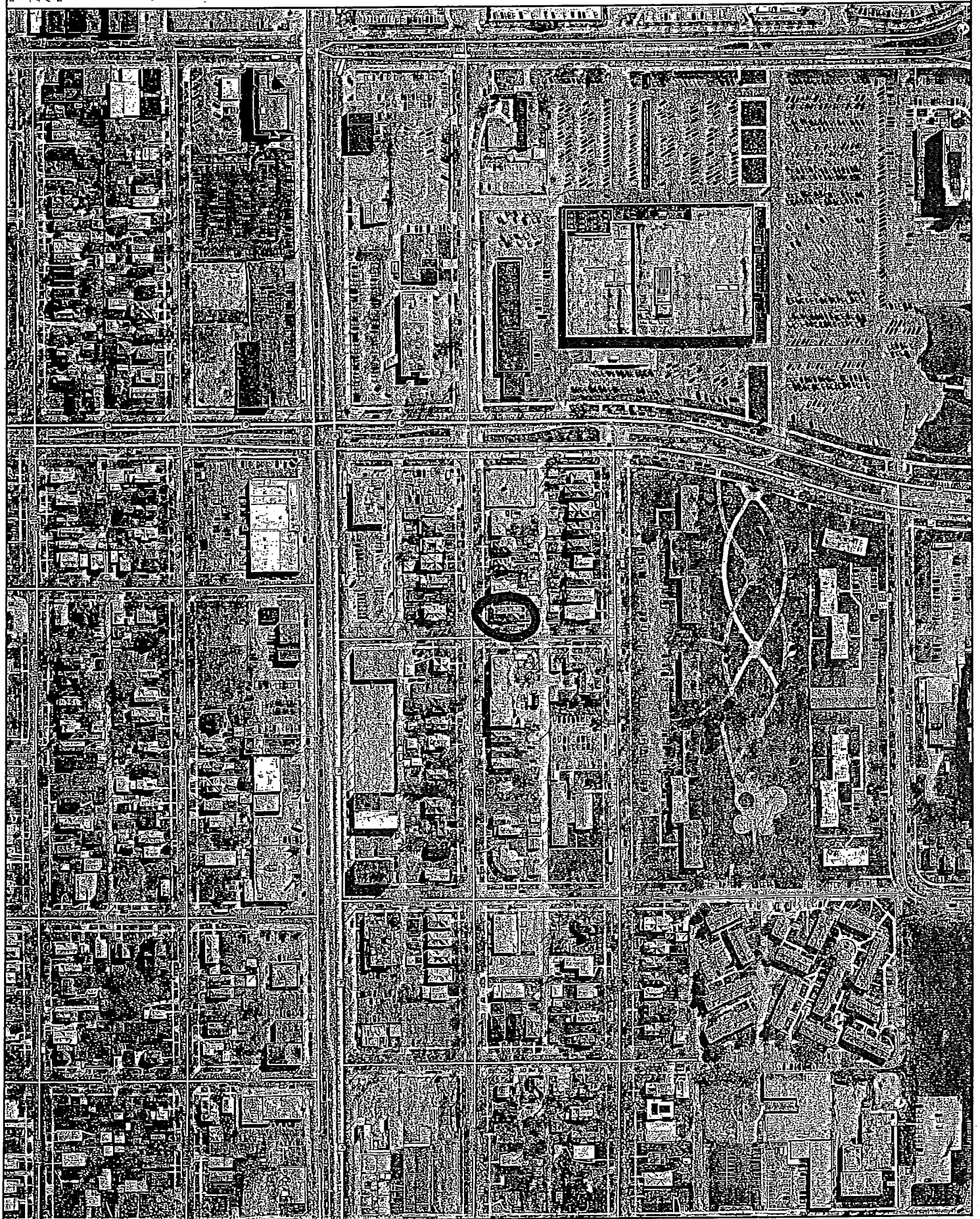
GISmo Oblique Photography

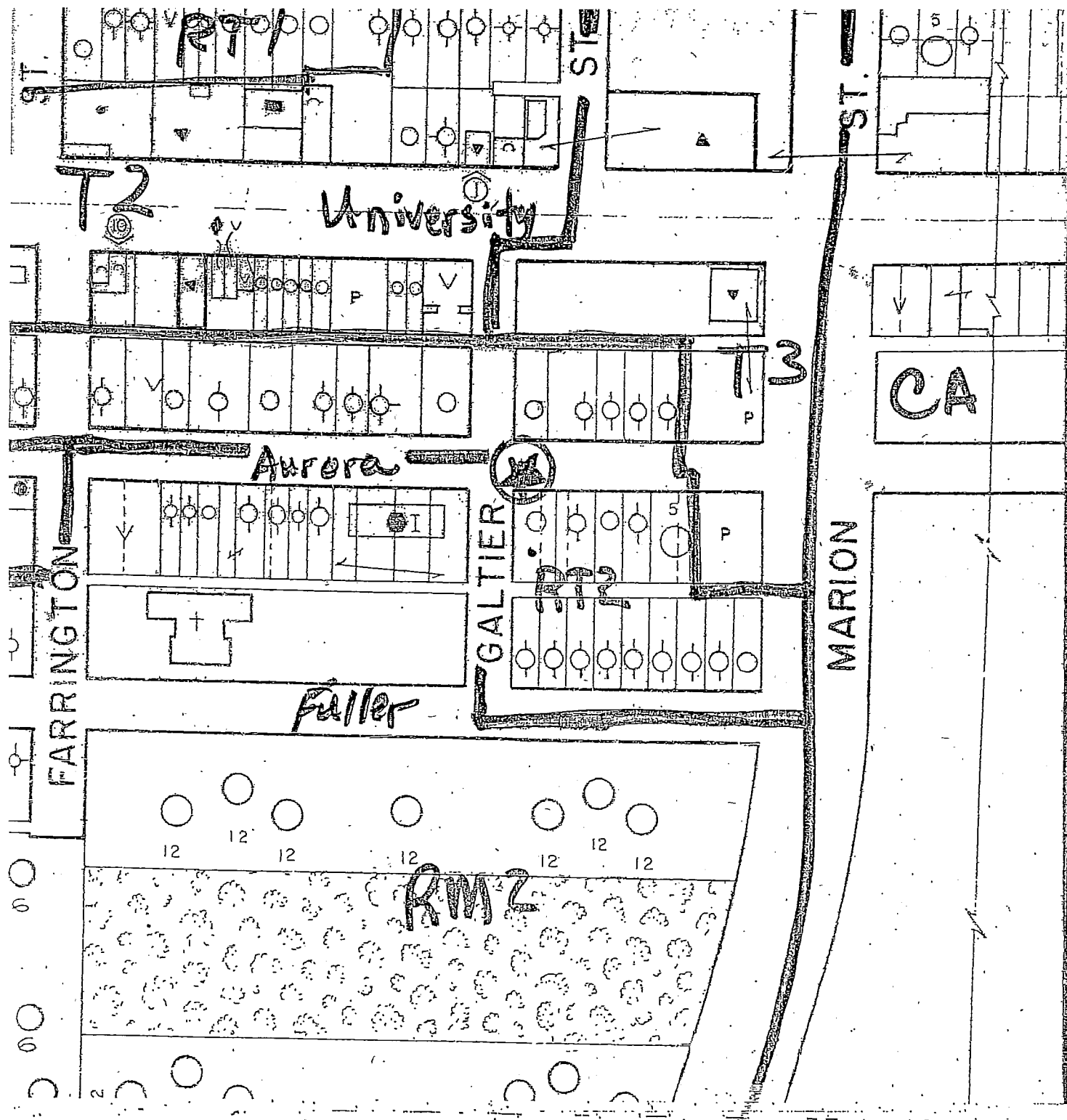
Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☐ Show Reference Map



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20 100000
10 100000
5 100000
2 100000
1 100000





APPLICANT	<u>BLD Property Management</u>		LEGEND	
PURPOSE	<u>NCUP - Establishment</u>			
FILE #	<u>13-247474</u>	DATE	<u>11-7-13</u>	zoning district boundary
PLNG. DIST	<u>8</u>	Land Use Map #	<u>20</u>	subject property
SCALE	<u>1" = 400'</u>	Zoning Map #	<u>15</u>	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) 266-8889

Zoning Office Use Only

File #: 13-253015Fee: 1200.00

Tentative Hearing Date:

12-12-13

PD:

#-102823330105

APPLICANT

Property Owner BRADSHAW FUNERAL HOMEAddress 678 SNELLING AVENUE SOUTHCity ST. PAUL Zip 55116 Daytime Phone 651.431.5511

Name of Owner (if different) _____

Contact Person (if different) JIM BRADSHAW Phone 651.334.1830L4 JAY JENSEN/WATERS SENIOR LIVING 952.358.5110

PROPERTY LOCATION

Address/Location 678 SNELLING AVENUE SOUTHLegal Description SEE ATTACHED SURVEYCurrent Zoning B3

(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.600 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 T3, mixed-use
 district, for the purpose of:

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

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

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit
NOT APPLICABLE

Subscribed and sworn to before me

this 21st dayof November, 2013

Notary Public

Margaret Shelagh Ahles
 Notary Public
 Minnesota
 My Commission Expires January 31, 2015

By: [Signature]
 Fee owner of propertyTitle: PRESIDENT

THE BRADSHAW FUNERAL HOME
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 Schedule A of the herein referenced Title Commitment)

Lot 8 and the Westside 340 feet of that part of the North of Eleanor Street of the South 42.5 feet of the

Submerged Quarter of the Southwest Quarter of Section 15, Township 20N, Range 21E, Ramsey County, Minnesota.

Forma Property

Township 20N, Range 21E, Ramsey County, Minnesota.

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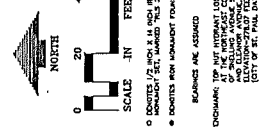
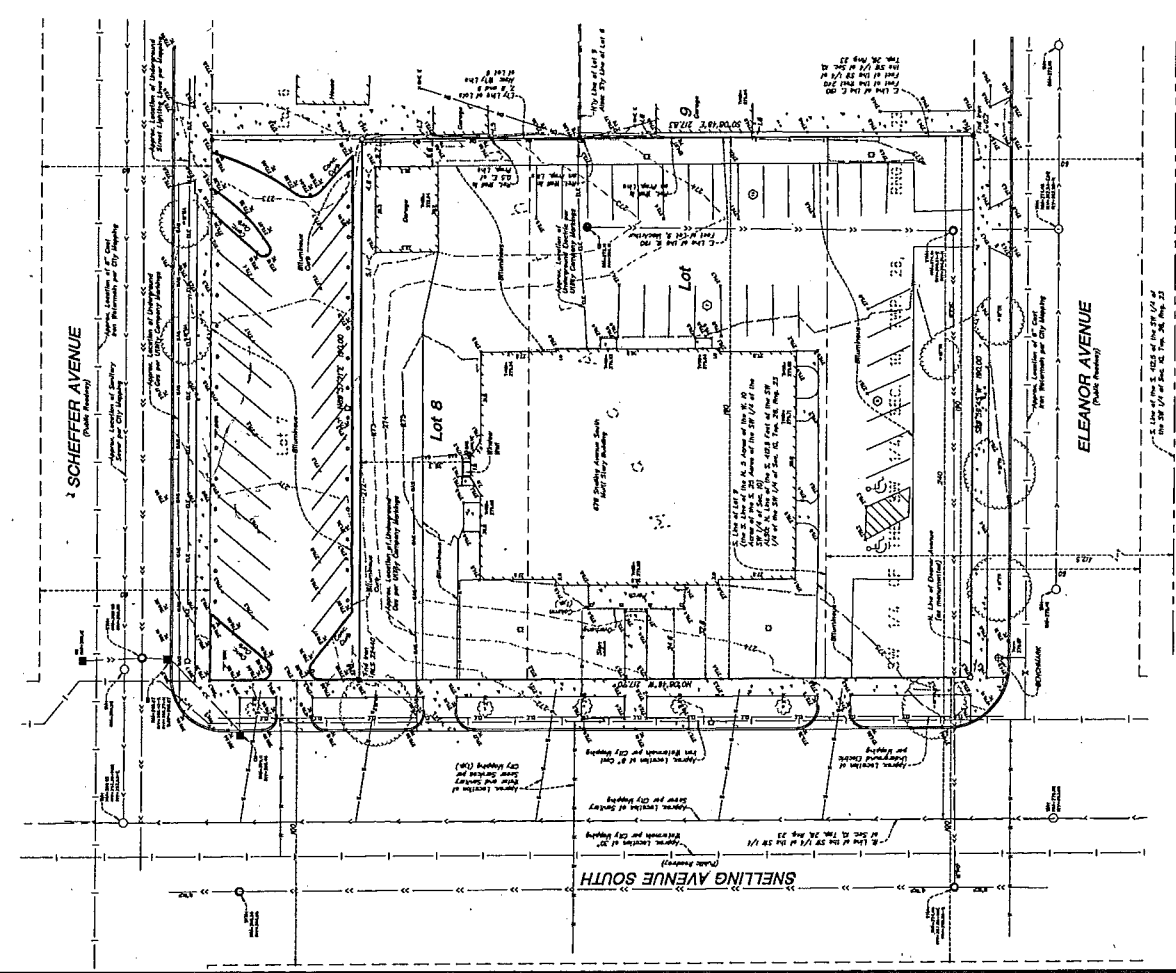
Township 20N, Range 21E, Ramsey County, Minnesota.

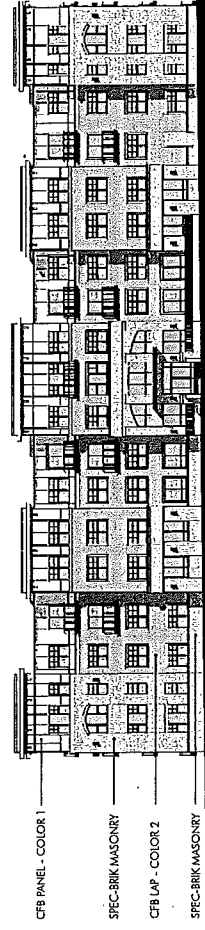
Township 20N, Range 21E, Ramsey County, Minnesota.

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Township 20N, Range 21E, Ramsey County, Minnesota.





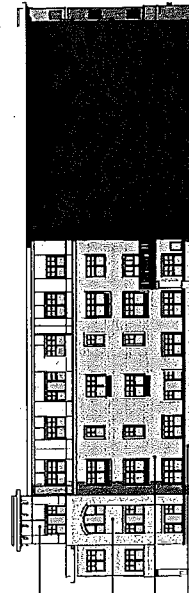
SNELLING AVENUE - WEST ELEVATION

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



NORTH ELEVATION

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

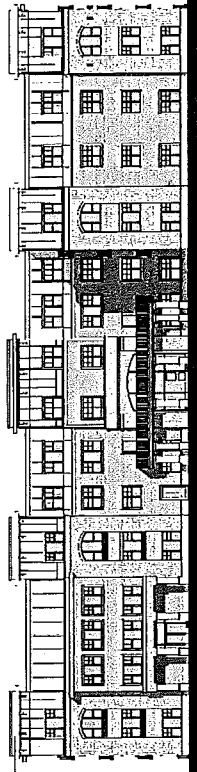


INTERIOR COURTYARD - NORTH ELEVATION

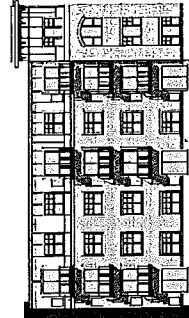
- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY



SOUTH ELEVATION



INTERIOR COURTYARD - EAST ELEVATION



INTERIOR COURTYARD - SOUTH ELEVATION

BRIMHALL ST

SCHEFFER AVE

SNELLING AVES



(105)

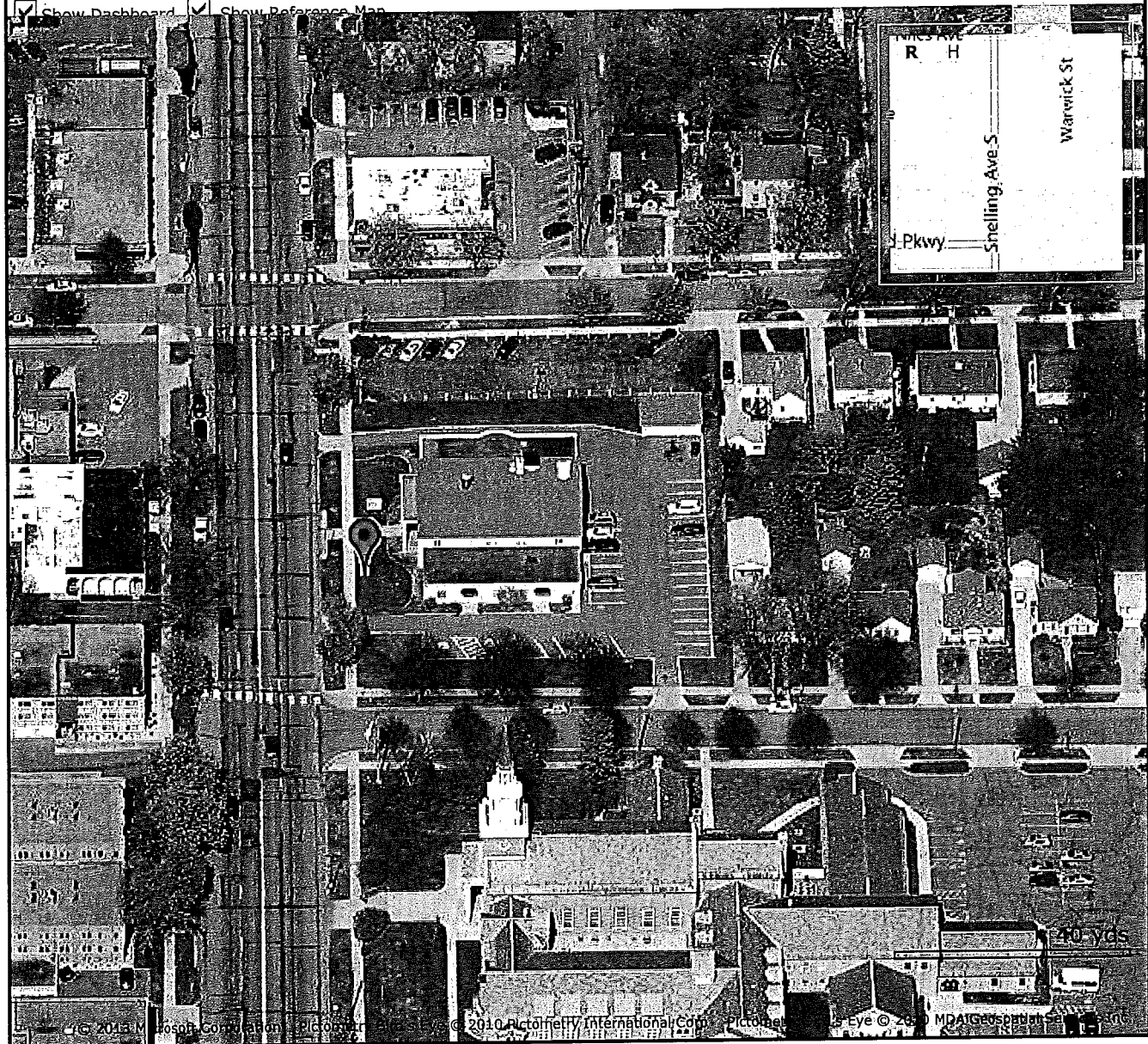
ELEANOR AVE

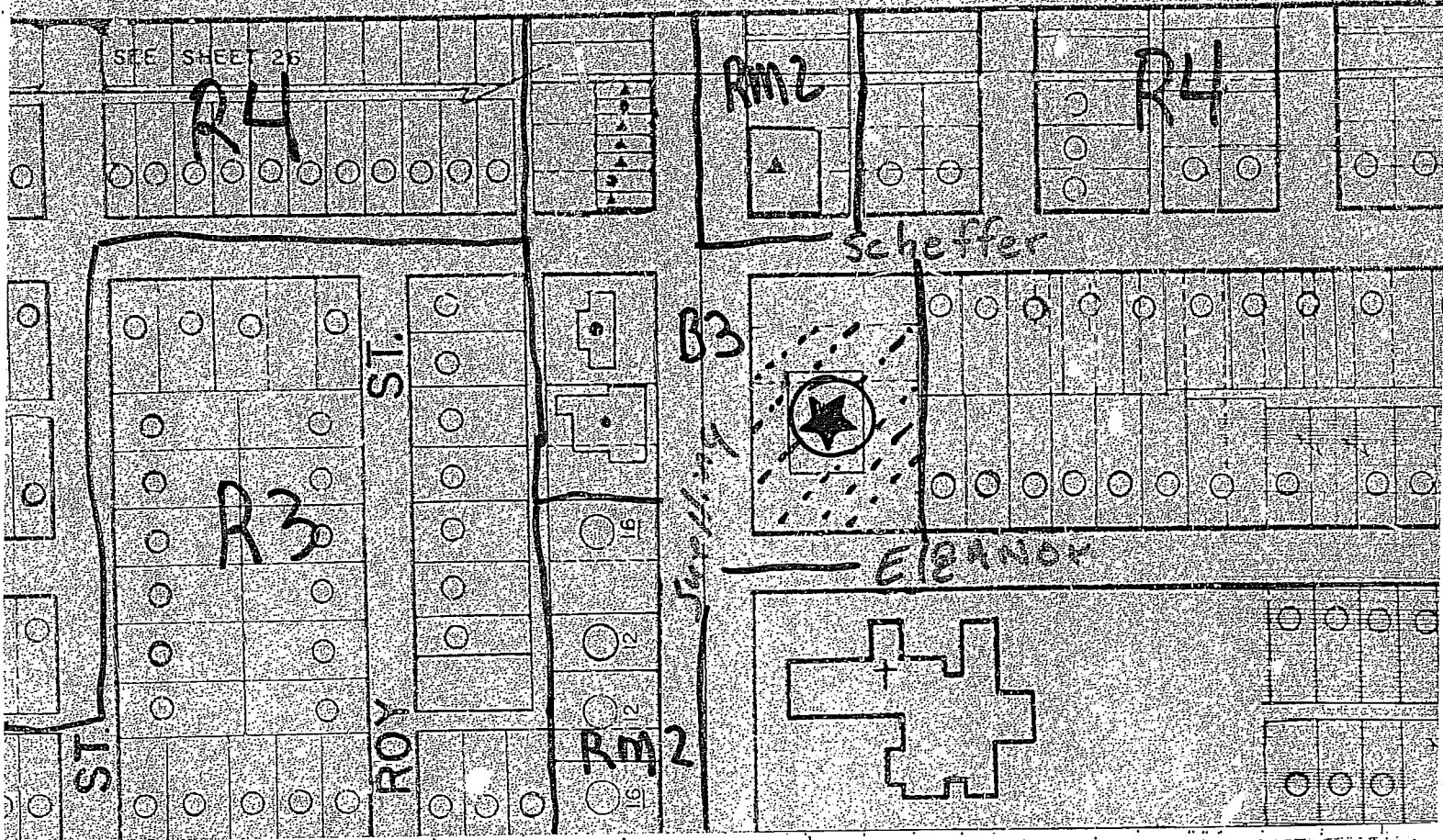
HIGHLAND PKV

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
 SCALE 1" = 400'

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 **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 55102-1634
(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 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) 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 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

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

DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the Survey Return and Commitment)

Lot 8 and the Westerly 190 feet of Lot 7, MacArthur, Ramsey County, Minnesota.

And

The Eastern 190 feet of the Westerly 240 feet of that part of the North of Eleanor Street of the South 413.5 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 Name

678 Snelling
Avenue South

ALTAZCHEN OPTIONAL TABLE A NOTES

(The following items refer to Table A optional survey responsibilities and specifications)

- This property is contained in unsplit Flood Insurance Rate Map, Community Panel No. 271230001G (no special flood hazard areas).
- The Gross land area is 41,375.4 square feet or 0.9444 acres.
- The number of parking stalls on this site are as follows: 28 Regular + 2 Handicap = 30 Total Parking Stalls.
- We have shown building structures and utilities on aerial photos and the site to the best of our ability, subject to the following conditions:
 - Utility operators do not consistently report to local residents through the Operator State One Call service for or facility - they consider three segments private installations that are outside their jurisdiction. If a private service to a building is not shown on a map or a service to this site crosses an adjacent lot, it may not be located where most operators do not work.
 - Some and the conditions of the water mains may obscure evidence of a building structure or utility.
 - Some and the conditions of the water mains may obscure evidence of a building structure or utility.
 - EXTREME CAUTION MUST BE EXERCISED BEFORE AN EXCAVATION TAKES PLACE ON OR NEAR THIS PROPERTY. THE EXCAVATOR MUST BE ADVISED BY LAW TO NOTIFY OPPONENT STATE ONE CALL AT LEAST 48 HOURS IN ADVANCE AT 651-464-2002.
 - Per Operator State One-Call Ticket No. 13772299, the following utilities and municipalities were notified:
 - City of Minneapolis (612) 522-4141
 - City of St. Paul (651) 224-4227
 - City of St. Louis (651) 224-4227
 - City of St. Paul (651) 224-4227
 - City of St. Paul (651) 224-4227
 - City of St. Paul (651) 224-4227

SURVEY REPORT

The property depicted on this survey and the easements of record shown thereon are the same as the property and the easements of record shown on the Survey Return and Commitment by Commercial Patent Title, LLC as agent for Sweet's Title Guaranty Company, P/A No. 27297, dated September 20, 2015.

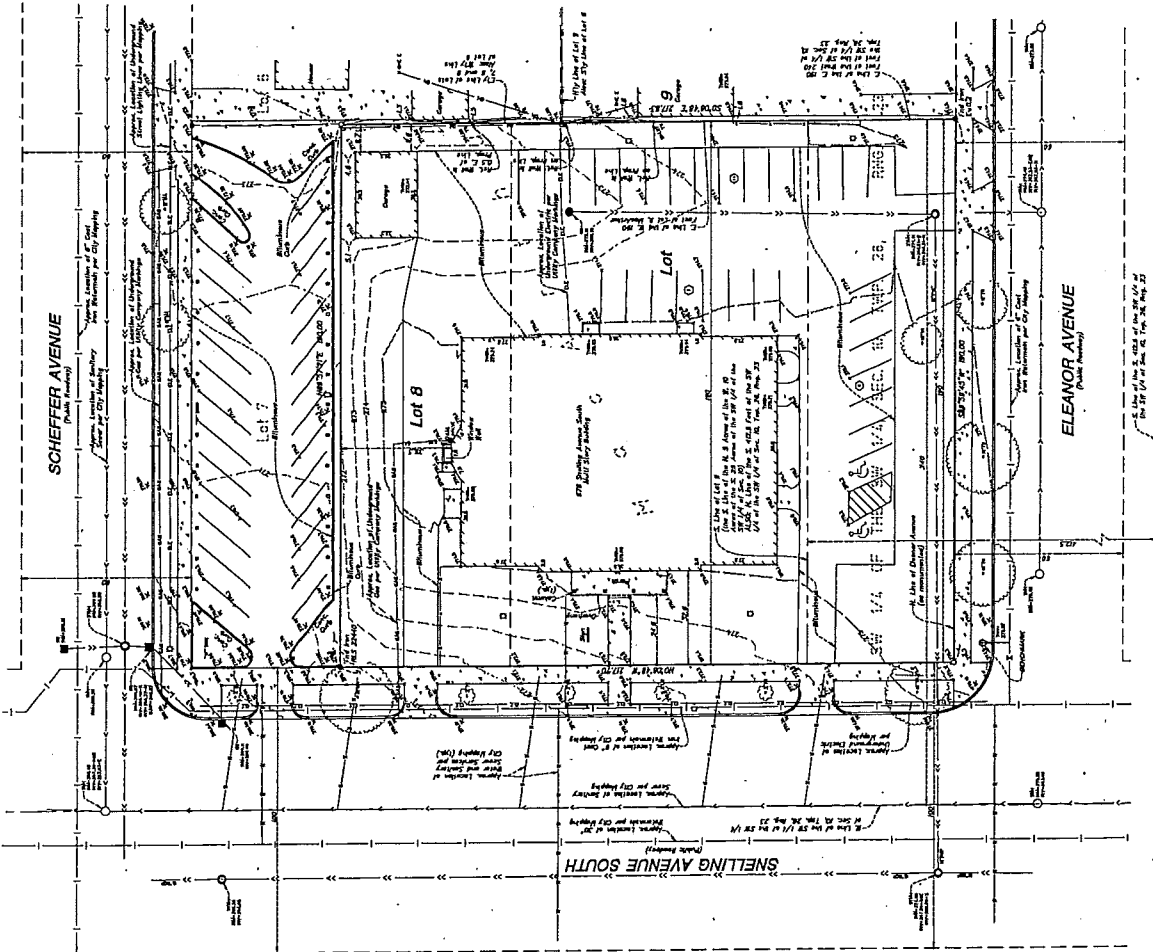
- The following parties referenced herein in Schedule B of the Survey Return and Commitment:
 - Item No. 1-18 are not survey related items.

CERTIFICATION

To: The Western Senior Living, LLC, The Brighthouse Group, Inc., a Minnesota corporation, Commercial Patent Title, LLC and Sweet's Title Guaranty Company.
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2015 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2011, and comply with 1-1, 1-2, 1-3, 1-4, 1-5 and 1-11(b) of Table A thereof. The field work was completed on October 17, 2015.

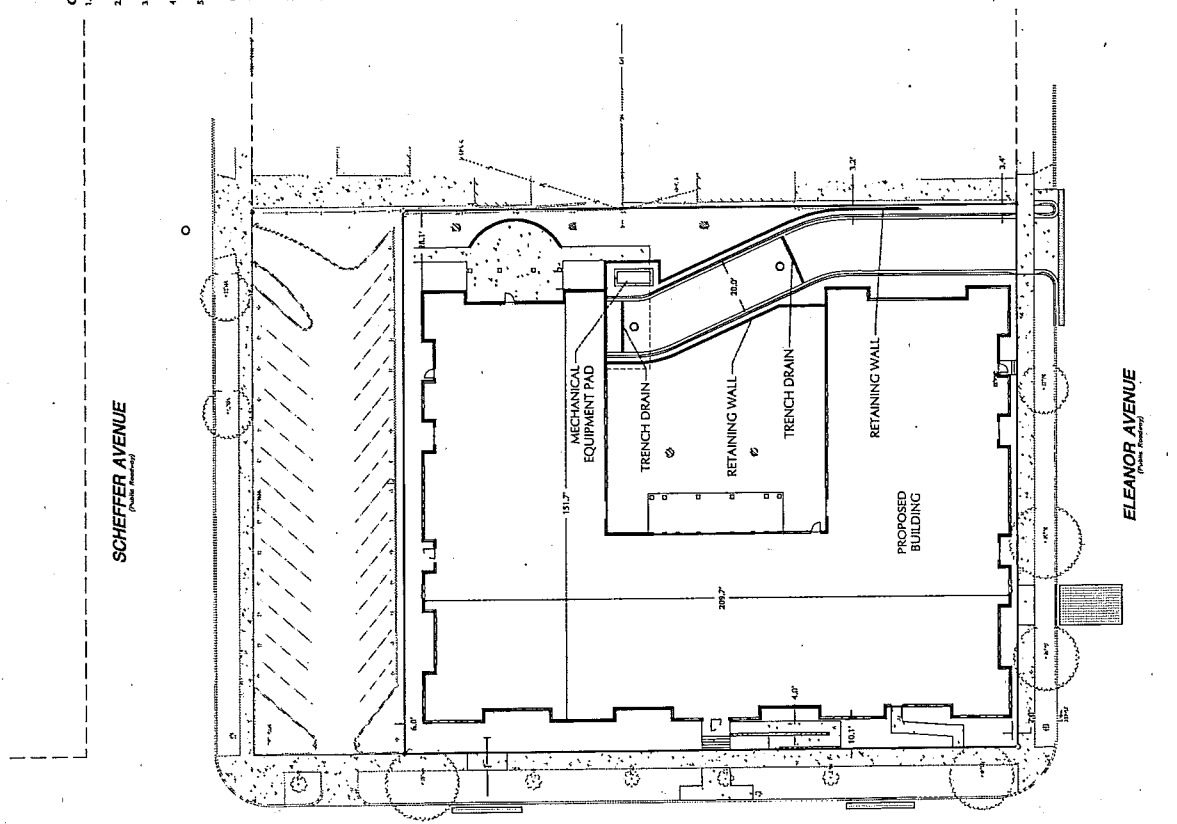
Date of Plat or Map: October 18, 2015

Surveyor: *Robert L. Lee, PLS*
Professional License No. 26724
alr@alrassociates.com



SURVEY LEGEND

- | | |
|-----------------|------------------------|
| LO LOCUST | STORM SEWER |
| LA MAPLE | SANITARY SEWER |
| TR TREE (REV) | WITCHAMUN |
| CONFIRMED TREE | SANITARY SEWER SERVICE |
| DESIGNATED TREE | WATER SERVICE |
| TC TOP OF CURB | POUGH TULE |
| TW TOP OF WALL | UNDERGROUND ELECTRIC |
| THD THRESHOLD | UNDERGROUND GAS |
| | CUT WIRE |
| | CHAIN LINK FENCE |
| | CONCRETE CURB |
| | CONCRETE |
| | CONTOUR |
| | STALL COUNT |
| | MONITOR STALL |
- BEARINGS ARE ASSUMED
BOUNDARY TOP SURVEY INTERVAL LOCATED
OF SOUTHERLY AND SOUTHERLY
ELEVATION OF 413.5 FEET
(GIVEN BY ST. PAUL, MINN.)



CALL BEFORE YOU DIG!
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-255-1188



CITY OF ST. PAUL PERMIT REQUIREMENTS ■

- ORDERING OBSTRUCTION AND EAVANTION PERMITS CONTRACTOR TO BE AWARE WORKS RIGHT OF WAY SERVICE DESK AT 1511 246-1511. IT IS FREQUENTLY RECOMMENDED THAT CONTRACTORS CALL FOR COST ESTIMATE PRIOR TO BEGINNING TO OBTAIN ACCURATE COST ESTIMATES.
- OBSTRUCTION PERMITS: THE CONTRACTOR MUST OBTAIN AN OBSTRUCTION PERMIT IF CONSTRUCTION INCLUDING BUT NOT LIMITED TO PLACING WALL, BLOCK CITY STREET, SUBURBAN OR SUBURBAN PERMITS. ALL CONSTRUCTION IN THE PUBLIC RIGHT OF WAY REQUIRES AN EAVANTION PERMIT IF THE PROPOSED BUILDING IS CLOSE TO THE RIGHT OF WAY, OR EAVANTION INTO THE RIGHT OF WAY IS NEEDED TO FACILITATE CONSTRUCTION, CONTACT THE UTILITY INSPECTOR.
- FAILURE TO SECURE PERMITS: FAILURE TO OBTAIN OBSTRUCTION PERMITS OR EAVANTION PERMITS WILL RESULT IN A DOUBLE-PENALTY AND OTHER FEES REQUIRED UNDER THE CITY OF ST. PAUL LEGISLATIVE CODES.
- CONTRACTOR'S RESPONSIBILITY: CONTRACTORS WORKING IN THE PUBLIC RIGHT OF WAY MUST BE REGISTERED, INSURED, AND BONDED AS REQUIRED BY THE CITY OF ST. PAUL WORKS RIGHT OF WAY SERVICE DESK, 1511-246-1511.

CITY OF ST. PAUL NOTES

1. **RIGHT-OF-WAY** WORKS APPROVED BY THE ENGINEERING REGULATION DIVISION SHALL BE INSTALLED BY THE PROPERTY OWNER OR CONTRACTORS OUTSIDE OF THE PUBLIC RIGHT-OF-WAY. ANY WORKS TO BE INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES. ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES.
2. **WORKS REGULATING PARKING AND/OR TRAFFIC** ON PRIVATE PROPERTY SHALL BE INSTALLED BY THE PROPERTY OWNER OR CONTRACTORS OUTSIDE OF THE PUBLIC RIGHT-OF-WAY. ANY WORKS TO BE INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES. ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES.
3. **ALL WORK ON CURBS, SIDEWALKS, AND DRIVEWAYS** SHALL BE INSTALLED BY THE CITY OF LOS ANGELES. ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES.
4. **REMOVAL OF ASPHALT AND CONCRETE PAVEMENTS** ARE PERFORMED BY THE PUBLIC WORKS STREET MAINTENANCE DIVISION. THE CONTRACTOR IS RESPONSIBLE FOR PAYMENT TO THE CITY FOR THE COST OF THESE REPAIRS. ANY CONTRACTOR THAT WANTS TO DO ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES. ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES.
5. **REMOVALS AND ARE AVAILABLE AT THE PRICED OFFER.** THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF THESE REPAIRS. ANY CONTRACTOR THAT WANTS TO DO ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES. ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES.
6. **THE CONTRACTOR SHALL CONTACT JOHN MCMAHON AT 651-366-7814, GENERAL FOREMAN, LIGHTING - SIGNAL MAINTENANCE, IF REMOVAL OR RELOCATION OF EXISTING SIGNALS IS REQUIRED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF THESE REPAIRS. ANY CONTRACTOR THAT WANTS TO DO ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES. ANY WORKS TO BE INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED BY THE CITY OF LOS ANGELES.**
7. **THE INSTALLATION OF PUBLIC ELECTRICAL WIRING, CONDUIT, SPLIT-OUTS AND SIGNALS IS STRICTLY PROHIBITED IN THE CITY'S SLOW HEIGHT OF WAY.**

SITE NOTES:

1. ALL PAVING, CONCRETE CURBS, GUTTERS AND BARRIERS SHALL BE FURNISHED IN ACCORDANCE WITH THE DETAILS SHOWN FOR SHEET CH-1 AND THE REQUIREMENTS OF THE CITY. BELONGS TO A PLAN FOR ANY ADDITIONAL HARDWARE APPLICATIONS
2. THE CITY DEPARTMENT OF ENGINEERING, INCLUDING INSPECTIONS, APPROVEMENT AND THE CONSTRUCTION ENGINEER SHALL BE NOTIFIED AT LEAST 24 HOURS PRIOR TO WORKING WITHIN THE STREET RIGHT OF WAY, BUSHING, STREET OR DRIVEWAY
3. MINNESOTA STATE STATUTE REQUIRES NOTIFICATION FOR "COPPER STATE ONE CALL" PRIOR TO COMMENCING ANY GRADING, EXCAVATION OR UNDERGROUND WORK.
4. THE CONTRACTOR SHALL PRESERVE AND MAINTAIN ANY EXISTING STREET LIGHTS AND TRAFFIC SIGNS FOR THE REQUIREMENTS OF THE CITY
5. CURBS AND BARRIERS SHALL BE REPOSITIONED AND SET DURING PRIOR TO GRADING. ALL REMOVED MATERIAL SHALL BE HAULED FROM THE SITE ONLY. ALL CLEARING MATERIALS SHALL BE REPOSITED FOR THE CONTRACT. APPLICATIONS FOR ROADWAY CONTROL, INCLUDING SHALL BE INDICATED ESTABLISHED ON THE REMOVAL SHEET AND CITY
6. 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
7. STALL STRIPING SHALL BE 4-INCH WHITE STRIPES. ALL STRIPING TO BE 2" WIDE.
8. ALL CURBS REMAIN TO HAVE A 2' FOOT DITCH UNLESS OTHERWISE NOTED.
9. ALL CURB DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
10. INTERSECTIONS IMPROVED FIBER ROAD TO BE PLACED AT FULL DEPTH OF CONCERN ADJACENT AND BEHIND CURB ADJACENT TO DRIVEWAYS

SITE DATA ■

CURRENT ZONING:	OPEN SPACE AND PARKS DISTRICT (OSP)
DISTURBED AREA:	0.00 AC
EXISTING IMPERVIOUS AREA:	0.00 AC (76%)
PROPOSED IMPERVIOUS AREA:	0.00 AC (95%)
PARKING SUMMARY	
PARKING STALL SIZE	= 18' X 9'
PARKING STALLS PROPOSED	= 0
ACCESSIBLE PARKING	
REQUIRED - ACCESSIBLE PARKING	0 STALLS REQUIRED
ACCESSIBLE PARKING	0 STALLS PROVIDED

PAVEMENT TYPES

- BITUMINOUS
PAVEMENT

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT COPIER COMPANY AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATION OF UNDERGROUND UTILITIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND RECORDS BEFORE BEGINNING THE WORK. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

**The Waters of
Highland Park**
67A Snelling Avenue South
Saint Paul, MN 55116

**The Waters Senior
Living, LLC**

Project Number	13419
Date	10/22/2013
Drawn By	TDG
Checked By	MAJS

NOT FOR
CONSTRUCTION

2104 4th Avenue S.
Suite B
Minneapolis, MN 55404
tel: (612) 879-6000
fax: (612) 879-6688
www.kazewilson.com

**LOUCKS
ASSOCIATES**

CAUTION that presented by the Commissioner for the period ending 31st March 1994. The following information is provided for the information of the Council. The Council should not be asked to endorse any statement or resolution on the basis of the information provided. The Council should be aware that the information provided is for the information of the Council only and should not be used for any other purpose. The Council should be aware that the information provided is for the information of the Council only and should not be used for any other purpose. The Council should be aware that the information provided is for the information of the Council only and should not be used for any other purpose.

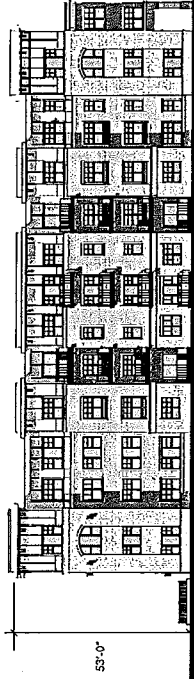
No. _____ Revision _____

SITE PLAN

C2-1



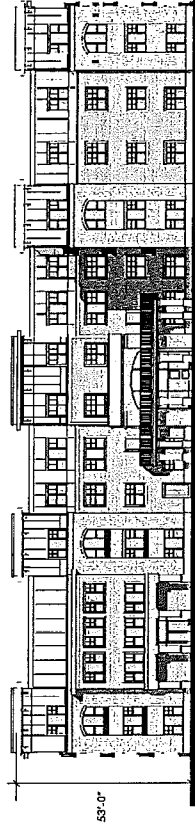
SNELLING AVENUE - WEST ELEVATION



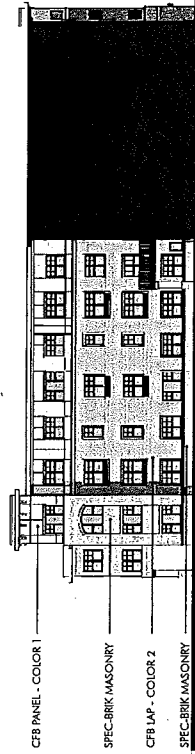
SOUTH ELEVATION



NORTH ELEVATION



INTERIOR COURTYARD - EAST ELEVATION



INTERIOR COURTYARD - NORTH ELEVATION



INTERIOR COURTYARD - SOUTH ELEVATION

BRIMHALL ST

SCHEFFER AVE

SNELLING AVE S

(105)

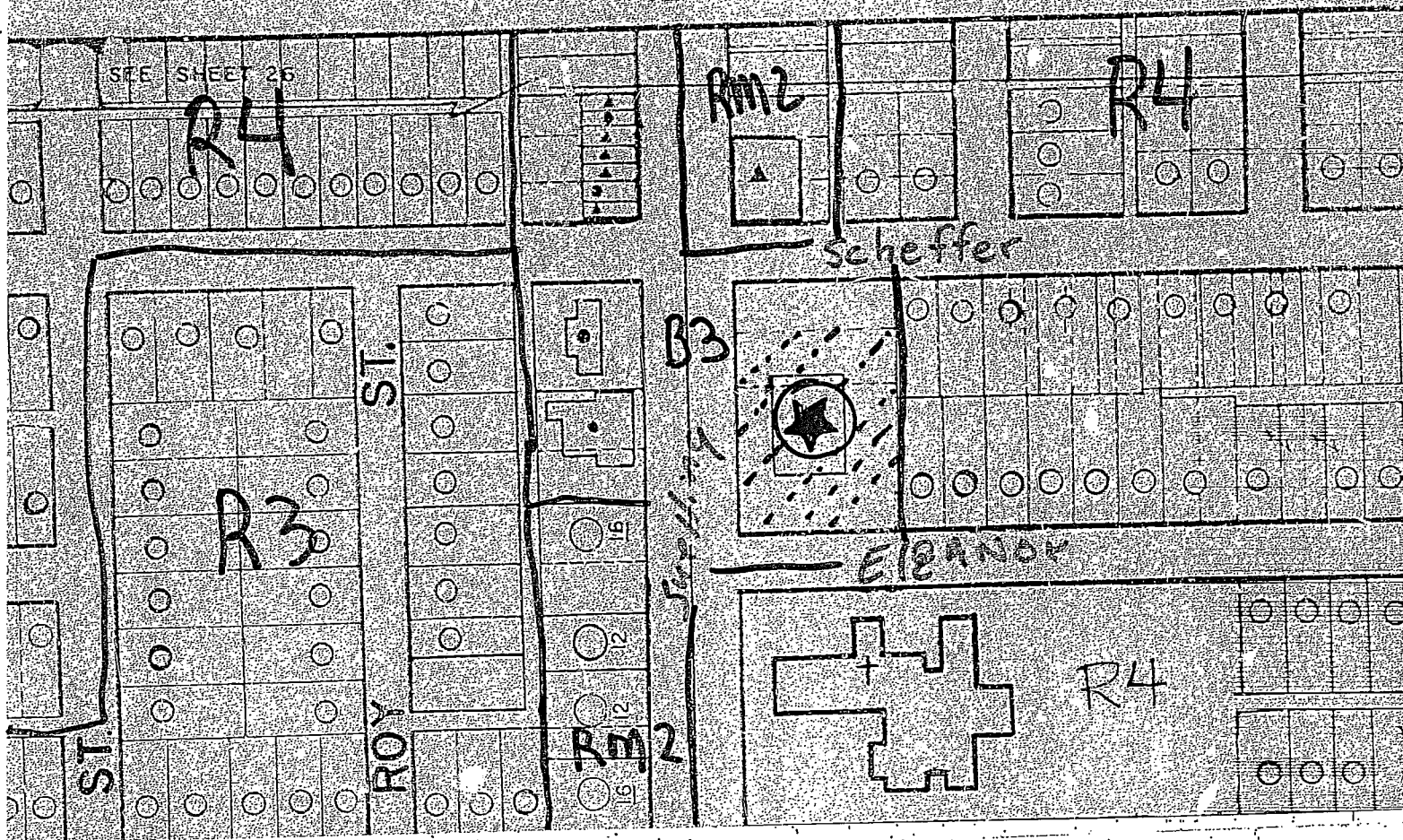
ELEANOR AVE

HIGHLAND PK



Images courtesy of: Microsoft[©] Virtual EarthTM 2006

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APPLICANT Bradshaw Group

PURPOSE Rezone B3 → T3

FILE # 13-253015 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

