

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Sunlight Senior Living **FILE #:** 14-339-687
  2. **APPLICANT:** Cy Thao **HEARING DATE:** November 6, 2014
  3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
  4. **LOCATION:** 400 Western Ave N, between Fuller and St. Anthony Avenue
  5. **PIN & LEGAL DESCRIPTION:** 362923420099, Western Area Addition Subj To Esmts The N 1/2 Of Vac Central Ave Adj And Lot 5 Blk 4
  6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2
  7. **ZONING CODE REFERENCE:** §65.180; 61.503; 61.501; 61.202(b); 61.601
  8. **STAFF REPORT DATE:** October 27, 2014 **BY:** Hilary Holmes
  9. **DATE RECEIVED:** October 21, 2014 **60 DAY DEADLINE FOR ACTION:** December 20, 2014
- 

- A. **PURPOSE:** Conditional use permit to add 23 assisted living units (for a total of 48), and to add 10 memory care units (for a total of 19) with variances of maximum lot coverage and minimum rear yard setback.
- B. **PARCEL SIZE:** Irregular parcel with 150 feet of frontage on Western, and a total lot area of 69,007 square feet.
- C. **EXISTING LAND USE:** MDH Registered Housing with services
- D. **SURROUNDING LAND USE:**
  - North: Mixed-density residential, office (RM1, RT-2, OS)
  - East: Mixed-density residential (RM1, RM2)
  - South: Medium-density multiple family residential (RM2)
  - West: Medium-density multiple family residential, vacant commercial (RM2, B2)
- E. **ZONING CODE CITATION:** §65.180 lists conditions for assisted living facilities; §61.503 lists changes to conditional use that require a new permit; §61.501 lists general requirements for all conditional uses; §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; §61.601 lists standards that must be met for variances.
- F. **HISTORY/DISCUSSION:** The City Council approved rezoning the property from B2 Community Business to RM2 residential district in 2009 (ZF# 09-039420). The Planning Commission approved a conditional use permit at 400 Western Ave. N for a 36 unit assisted living facility, with modification of side and rear setback requirements (ZF# 09-039764).
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 8 had not made a recommendation at the time this staff report was written.
- H. **FINDINGS:**
  1. The application is for a conditional use permit to expand the services of Sunlight Senior Living to increase the total assisted living resident unit mix to 19 memory care units (from 9 units) and 48 assisted living units (from 25 units).
  2. §65.180 *Assisted living*, refers to §65.182 *Nursing home*, for standards and conditions. There is one standard that applies, standard (a), *The yard requirements for multiple-family uses in the district apply*. This condition is met subject to approval of the variances for rear setback and maximum lot coverage.
  3. §61.503(b) requires a new conditional use permit if the floor area of a conditional use expands by fifty percent or more. The existing building is 19,890 square feet and the proposed expansion is a 16,550 square feet addition.
  4. §61.501 lists five standards that all conditional uses must satisfy:
    - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the*

city council. The proposed assisted living facility is consistent with Comprehensive Plan Housing Strategy 1.1 *Increase housing choices across the city to support economically diverse neighborhoods* and Housing Strategy 2.18 *Support the expansion of housing choices for seniors*. This condition is met.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* The site plan shows an existing parking lot in front of the building, accessed from Western Avenue. The parking requirement will be met by the proposed site plans. The parking lot allows for maneuvering and adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met.
  - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* The assisted living facility, which is a residential use, will not be detrimental to the existing character of in the immediate neighborhood and it will not endanger the public health, safety and general welfare. This condition is met.
  - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* The use is permitted as a conditional use in the RM2 district. The use is in accord with the development types of medium density residential in the surrounding area and would not impede further development or improvements. This condition is met.
  - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met subject to granting of variances for rear yard setback and maximum lot coverage.
5. 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.* The intent of the code is to provide a reasonable distance between buildings in RM2 districts to ensure that residents have access to light and air as well as retain green space buffers between uses. Although there is a zero lot line at the rear, there is a 27 foot utility easement that cannot be built on that runs the length of the eastern (rear) property line that provides a buffer. This finding is met.
  - (b) *The variance is consistent with the comprehensive plan.* The Comprehensive Plan seeks to *increase housing choices across the city to support economically diverse neighborhoods* (Housing Chapter Strategy 1.1) and *support the expansion of housing choices for seniors* (Housing Chapter Strategy 2.18) The Land Use Chapter of the Comprehensive Plan (map LU-L) identifies Western Avenue as a Residential Corridor, where medium density residential uses are appropriate. This finding is met.
  - (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.* Maintaining the block frontage and nonconforming setback of the rear yard (east side) is necessary for continuity of the building interior including layout and systems. This finding is met.
  - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* The rezoning of the property from B2 to RM2 in 2009 created the nonconforming setback. This finding is met.
  - (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This use is a conditional use in the RM2 district. This finding is met.
  - (f) *The variance will not alter the essential character of the surrounding area.* The existing

building has a 4-6 inch rear setback. To continue this setback will not alter the essential character of the surrounding area. The building, with nonconforming setbacks, is currently operating as an assisted living facility, therefore the proposed expansion and requested variances will not alter the essential character of the surrounding medium density residential uses and community business use on the block. This finding is met.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit to add 23 assisted living units (for a total of 48), and to add 10 memory care units (for a total of 19), and also recommends approval of variances of maximum lot coverage and minimum rear yard setback to allow lot coverage of 50.2% and a rear setback of 6 inches subject to the following additional conditions:

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



# CONDITIONAL 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

PD-8

Zoning office use only

File # 14-339687

Fee: \_\_\_\_\_

Tentative Hearing Date: \_\_\_\_\_

To be scheduled

362923420099

## APPLICANT

Name Cy Thao  
Address 400 Western Ave  
City St. Paul St. MN Zip 55103 Daytime Phone 651-208-1985  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

## PROPERTY LOCATION

Address / Location 400 Western Ave, St. Paul MN 55103  
Legal Description Lot 5, Block 4, Western Area Addition, Ramsey County, Minnesota together with the northerly one half of vacated Central Avenue accruing thereto.  
Current Zoning RM2  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 60, Section 61.503, Paragraph b of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Conditional use of property for Assisted Living was granted in 2009, application is being made to allow the expansion of services to increase the total resident unit mix to 19 memory care units and 48 assisted living units. Conditional use is required due to expansion being 50% or more of existing use. Existing structure is 19,890sf, proposed phase 2 addition is 16,550sf. The new addition will provide 10 memory care units and 23 assisted living units to meet market demand in service area.

RECEIVED  
OCT 16 2014  
BY: \_\_\_\_\_

☒ Required site plan is attached

Applicant's Signature [Signature] Date 10-16-2014 City Agent [Signature]  
10-16-14



**APPLICATION FOR ZONING VARIANCE**

Department of Safety and Inspections  
375 Jackson  
Suite 220  
Saint Paul, MN 55101-1806  
(651) 266-9099

Zoning Office Use Only

File #: \_\_\_\_\_

Fee: \_\_\_\_\_

Tentative Hearing Date: \_\_\_\_\_

Section(s) \_\_\_\_\_

City Agent \_\_\_\_\_

**APPLICANT**Name Cy ThaoAddress 400 Western AvenueCity St. Paul State MN Zip 55103 Daytime Phone 651-208-1985Email cy@sunlightseniorliving.com

Name of Owner (if different) \_\_\_\_\_

Contact Person (if different) \_\_\_\_\_

Phone \_\_\_\_\_

**PROPERTY LOCATION**Address/Location 400 Western AveLegal Description Lot 5, Block 4, Western Area Addition, Ramsey County  
(attach additional sheet if necessary)Lot Size 69,516 S.F. Present Zoning RM-2 Present use Assisted LivingProposed Use Assisted Living

Variance(s) requested:

Variance Request for reduction to rear yard set back from 9'-6" (1/2 Building Height) to 6".

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

Sunlight Senior Living an assisted living facility located at 400 Western Avenue currently maintains a near zero rear yard setback along the eastern property line. Southeast corner of building maintains 4" from lot line while existing northeast corner maintains 6". The rear yard or eastern property line as illustrated in attached drawings runs parallel to Virginia Street, which maintains a 27 foot utility easement that abuts the eastern property line of 400 Western Avenue extending north to south along its entirety. The variance request to continue the existing rear yard setback is required to maintain the extension of existing building interior circulation, unit arrangements, utility extensions and to allow sufficient area on site to comply with storm water and parking requirements. Site was previously developed in 2009 at which time CUP was approved for the Assisted Living in the RM2 district. Proposed addition is 16,550sf and will have a reduced top of wall height along this property boundary of 19'-0", existing top of wall is 25'-6" along the eastern elevation, refer to attached exterior elevations for proposed building development sheet A5.1.

Attachments as required: ☒ Site Plan ☒ Attachments ☐ Pro Forma

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

**APPLICATION FOR ZONING VARIANCE**

Department of Safety and Inspections  
375 Jackson  
Suite 220  
Saint Paul, MN 55101-1806  
(651) 266-9099

Zoning Office Use Only

File #: \_\_\_\_\_

Fee: \_\_\_\_\_

Tentative Hearing Date: \_\_\_\_\_

Section(s) \_\_\_\_\_

City Agent \_\_\_\_\_

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Address 400 Western Avenue  
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Email cy@sunlightseniorliving.com  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

**PROPERTY LOCATION**

Address/Location 400 Western Ave  
Legal Description Lot 5, Block 4, Western Area Addition, Ramsey County  
(attach additional sheet if necessary)  
Lot Size 69,516 S.F. Present Zoning RM-2 Present use Assisted Living  
Proposed Use Assisted Living

Variance(s) requested:

Lot Coverage Greater Than 35% - Request Variance of additional 15.2% in addition to allowed.

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

Sunlight Senior Living an assisted living facility existing at 400 Western avenue currently 19,800 s.f. has a lot coverage of 27.4%. With the proposed addition of 16,550 s.f. this lot coverage ratio becomes 50.2%. The total lot area existing is 72,511 s.f. inclusive of one half the width of the dedicated public alley along the properties northern boundary. Variance is requested due to technical infeasibility of expanding the facility vertically upon existing footprint, due to sizing and loading capacities of structural system. Variance is required to allow the expansion of service due to increased market demand for memory care and assisted living units in the area. Variance request does not negatively impact the ability of the site development to meet parking and storm water requirements.

Attachments as required: ☒ Site Plan ☒ Attachments ☐ Pro Forma

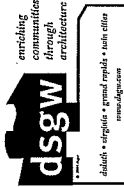
Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

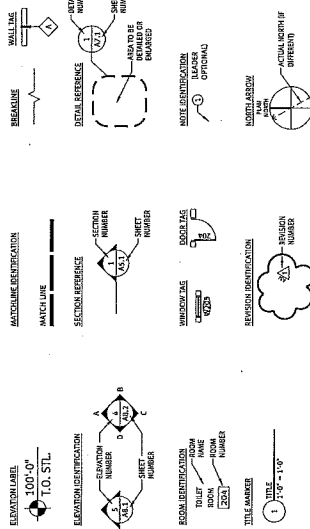
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# SUNLIGHT SENIOR LIVING PHASE II

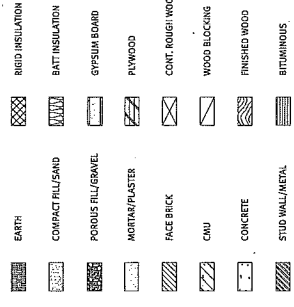
400 WESTERN AVE, SAINT PAUL, MN 55103



## SYMBOLS



## MATERIALS



## DESIGN TEAM

**OWNER**  
SUNLIGHT SENIOR LIVING  
400 WESTERN AVE  
ST. PAUL, MN 55103  
PHONE: 651-312-5980  
CONTACT: CY TMO  
EMAIL: CY@SUNLIGHTSENIORLIVING.COM

**ARCHITECT**  
DSGW ARCHITECTS  
3479 LAKE ELMO AVE  
LAKE ELMO, MN 55042  
PHONE: 218-727-2626  
CONTACT: DANIEL W. OBERMILLER  
EMAIL: DANIEL@DSGW.COM

**SURVEYOR**  
E.G. BID & SONS  
6776 LAKE DRIVE STE 110  
LINO LAKE, MN 55014  
PHONE: 651-361-8200  
CONTACT: DANIEL W. OBERMILLER  
EMAIL: DANIEL@DSGW.COM

**CIVIL CONSULTANT**  
PLOW ENGINEERING  
1000 W. LAKESIDE AVE  
LINO LAKE, MN 55014  
PHONE: 651-361-8210  
CONTACT: CHARLES W. PLOW, PE  
EMAIL: CHUCK@PLOWE.COM

## SHEET INDEX

ARCHITECTURAL	
A0.1	TITLE SHEET
LL.1	ARCHITECTURAL LANDSCAPE PLAN
AS.1	EXTERIOR ELEVATIONS

SURVEY	
BOUNDARY & TOPOGRAPHIC SURVEY	

CIVIL	
C1	EXISTING CONDITIONS & REMOVALS PLAN
C2	GRADING, DRAINAGE & ESC PLAN
C3	DETAILS

## SUNLIGHT PHASE II

400 WESTERN AVE  
ST. PAUL, MN 55103

project # 01A002  
job name SUNLIGHT PHASE II TITLE SHEET  
designed by SK  
checked by BW  
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

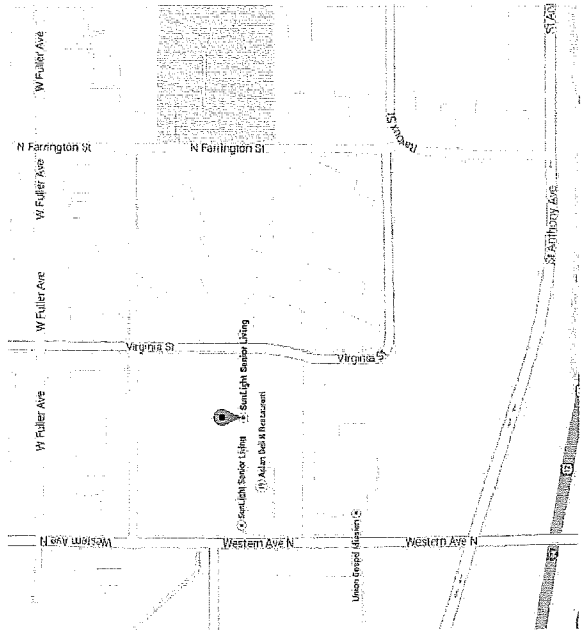
signature  
Randy Wagner  
reg. # 21068  
exp. date 8-28-2014

PRELIMINARY  
NOT FOR CONSTRUCTION  
10-16-2014

sheet	revision	date

TITLE SHEET  
sheet  
file  
number  
A0.1

## LOCATION MAP



## SUNLIGHT PHASE

400 WESTERN AVENUE  
ST. PAUL, MN 55103

project # 01AD000  
file name 01AD000-L1.1 ARCHITECTURAL  
LANDSCAPE PLAN  
drawn by SK  
checked by RW

I hereby certify that this plan, specifications, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

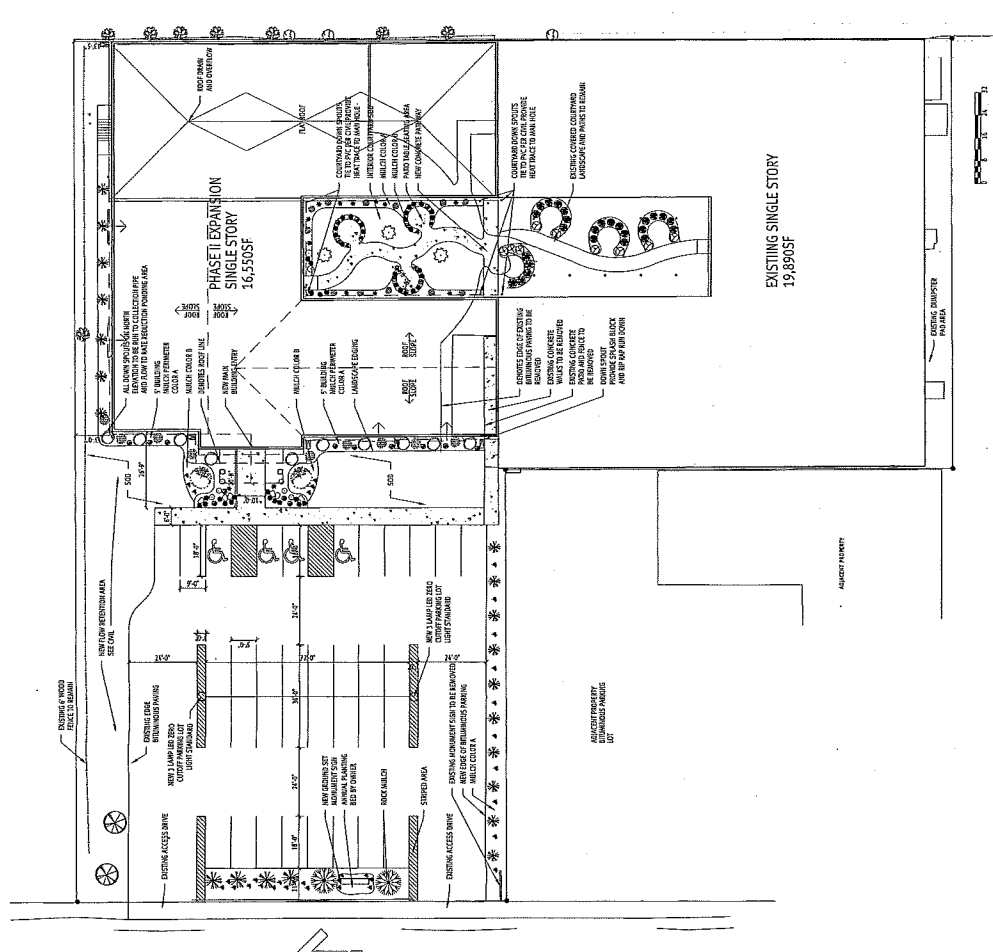
signature	_____
typed/printred name	RANDY WAGNER
reg. #	21068
slens date	8-28-2014

PRELIMINARY  
NOT FOR CONSTRUCTION

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ARCHITECTURAL  
LANDSCAPE PLAN

## 1.1



ARCHITECTURAL LANDSCAPE PLAN

PLANT LIST: Site Plantings		QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE/ROOT
<b>TREES</b>						
2	2	OSL	<i>Tilia cordata</i>	'Greenspire'	Greenspire Linden	2-1/2" B&B
2	2	PC	<i>Malus</i> , 'Prinlie Fire Crispapple'		Prinlie Fire Crispapple	B&B
2	2	SSC	<i>Malus</i> , 'Prinlie Fire Snow'		Spring Snow Crispapple	1-1/2" B&B
2	2	JNC	<i>Syringa japonica</i>	'Syringa japonica'	Japanese Tree Lilac	1-1/2" B&B
22	22	BHS	<i>Picea glauca</i>	'var. densata'	Black Hills Spruce	1-1/2" B&B
<b>SUBURBS/PLANTS</b>						
1	10	MS	<i>Wegelia</i> , 'Iridica'	'Minuet'	Minuet Weigda	2 Gal. Pot
1	10	QMS	<i>Salix purpurea</i>	'var. pendula'	Goldmound Spruce	2 Gal. Pot
1	10	JWS	<i>Spiraea japonica</i>	'Japanese White'	Japanese White Spruce	2 Gal. Pot
1	21	TY	<i>Taxus x media</i>	'Trantroni'	Tauntion Yew	2 Gal. Pot
1	33	KFG	<i>Calamagrostis canadica</i>	'Karl Forester'	Karl Forester Feather Reed Grass	1 Gal. Pot
1	25	DO	<i>Hemerocallis</i> , 'Boja'		Common Daylily 'Boja'	1 Gal. Pot
1	40	H	<i>Hosta</i>	'Albo-marginata'	Albo-marginata Hosta	1 Gal. Pot
1	40	B	Ascent	'bordera'	Find on site if possible	24"-32" Dia.

**PLANTING NOTES:**

Contractor shall provide one year guarantee of all plant materials. The guarantee begins on the date of the Landscape Architect's written acceptance of the initial installation. All plant materials shall also have a one year guarantee commencing upon planting.

All plants to be northern-grown and hardy.

Plants to be installed as per standard AAN planting practices.

Use minimum 12" loam planting soil on trees and 6" on shrubs.

Contractor shall verify locations with all utilities prior to installation of plants.

All landscaping and sod areas shall be irrigated with an underground sprinkler.

Staking of trees optional; repetition if not plant after one year.

Ways of trees optional; trees-fatten top and bottom. Remove by April 1.

Open top of burlop on BB materials; remove soil on pallet plants; split and break apart peat pots.

Pure plants such as necessary - per standard nursery practices.

Owner shall be responsible for maintenance after acceptance of the work by the Owner.

Plants shall be immediately planted upon arrival at site. Properly heat-in materials if necessary; temporary only.

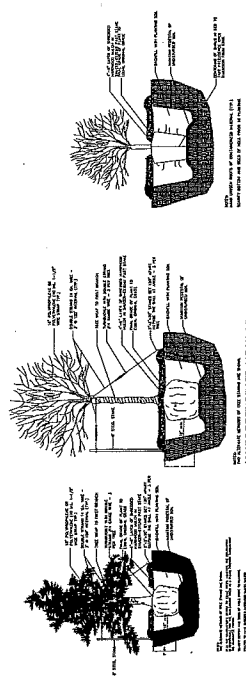
All disturbed areas to be seeded unless otherwise noted. Sod shall be northern grown and hardy.

Planting seeds for shrubs shall have (4 oz. min.) weed barrier fabric, 4" - 6" of 1-1/2" mulch and 2" of topsoil. Commercial grade black poly edging. The edging shall be placed and staked with smooth curve.

Shredded hardwood mulch 4" deep shall be provided around all trees.

The retaining walls are not the responsibility of the Landscape Architect. Engineer for design and construction.

Contact the project



CONIFEROUS TREE PLANTING DETAIL

### THRU-PLANTING DETAIL





# BOUNDARY & TOPOGRAPHIC SURVEY

## -for- SUNLIGHT SENIOR LIVING

### -of- 400 WESTERN AVENUE

#### NOTES

- Original field survey was completed by E.G. Rud and Sons, Inc. in February 2009 and recent improvements to parking area and north face of building were located on July 22, 2014.
- Bearings shown are on Ramsey County Datum.
- Curve shots are taken at the top and back of curb.
- This survey was prepared without the benefit of a title search and no representation is made as to the accuracy of the title or the existence of any liens or other encumbrances. Survey is for the purpose of establishing boundaries and for encumbrances may exist other than those shown herein. Survey is subject to revision upon receipt of title opinion.
- Boundary: Top of Monument at Eider and Western Ave. Elevation = 181.65 (5th Final Datum)

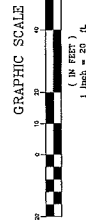
#### LEGAL DESCRIPTION

(from the Ramsey County Tax and Property Website)  
 Lot 5, Block 4, WESTERN AREA ADDITION, Ramsey County, Minnesota together with the northerly one half section of Section 35, Township 23 North, Range 23 West, 146th Meridian, 68.516 S.F.

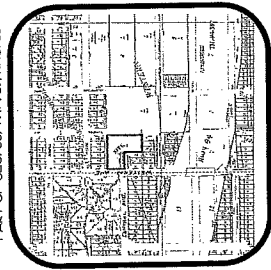
#### LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED R.E.S. 25341
- DENOTES CATCH BASIN
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ✱ DENOTES HYDRANT
- ⊙ DENOTES GATE VALVE
- ⊙ DENOTES GAS METER
- DENOTES POWER POLE AND OVERHEAD WIRES
- DENOTES RETAINING WALL
- DENOTES FENCE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES LIGHT POLE
- DENOTES EXISTING CONTOURS (1 FT INTERVAL)
- DENOTES EXISTING SPOT ELEVATION

NORTH



VONTY MAP  
 PART OF SEC. 35, TWP. 23, RANG. 23



RAMSEY COUNTY, MINNESOTA  
 NO SCALE

I hereby certify that this survey, plan or report was prepared by me or under a duly Registered Land Surveyor under the laws of the State of Minnesota.

DANIEL W. GRENALLER  
 Date: 7/24/2015 License No. 25341

**E.G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel: (651) 361-8200 Fax: (651) 361-8701

NO.	DATE	DESCRIPTION
1		
2		
3		

DRAWN BY: EGR, LGR, JLD, LAG, LKS, LAR, L, Z, J, 2/24/09

CHECK BY: EGR, LGR, JLD, LAG, LKS, LAR, L, Z, J, 2/24/09

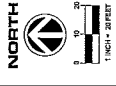








Know what's below.  
Call before you dig.

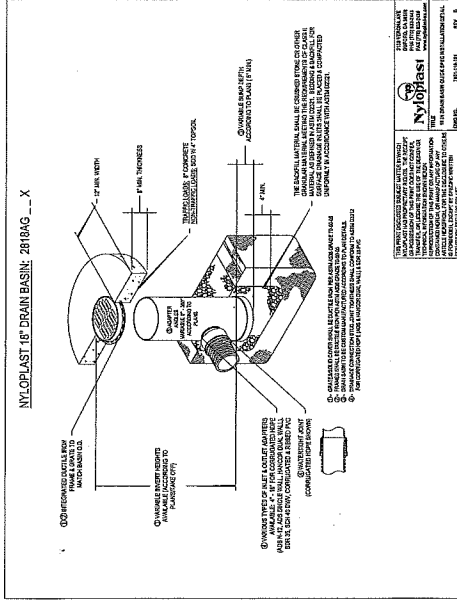


**PLOWE ENGINEERING, INC.**  
SITE PLANNING  
& ENGINEERING  
10000 W. 100TH AVE. SUITE 100  
MINNETONKA, MN 55345  
PHONE (952) 331-4272  
FAX (952) 331-4281

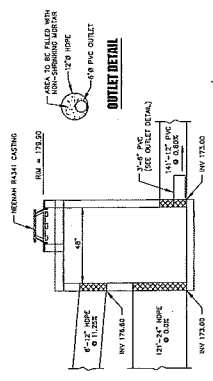
**SUNLIGHT SENIOR LIVING - PHASE 2**  
400 WESTERN AVENUE  
ST. PAUL, MINNESOTA

**PRELIMINARY**  
DATE: 08/28/2014  
LIC. NO. 0227  
CHARTERED W. FLOORS

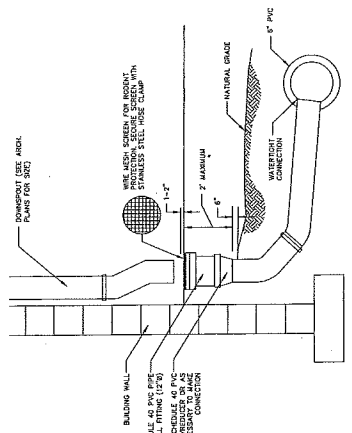
DATE	REVISION DESCRIPTION
8/29/14	REVISED OUTLET STRUCTURE DETAIL



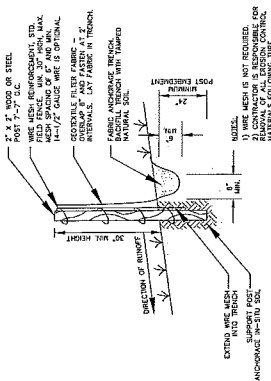
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NOT TO SCALE



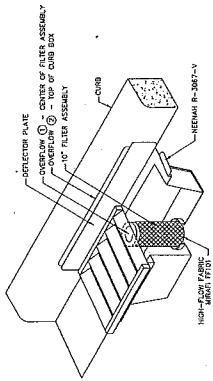
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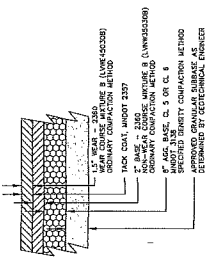
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NOT TO SCALE



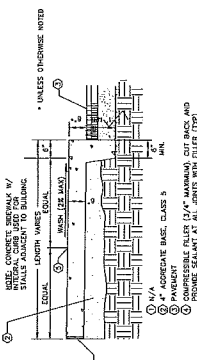
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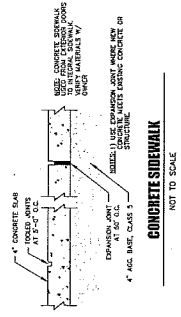
**WINGED INLET PROTECTION**  
NOT TO SCALE



**PROPOSED BITUMINOUS**  
NOT TO SCALE



**CONCRETE SIDEWALK W/ INTEGRAL CURB**  
NOT TO SCALE



**CONCRETE SIDEWALK**  
NOT TO SCALE

## **400 Western Avenue N.**



**Looking east at property (beyond parking lot is Phase II site)**



**Looking south from Western Av. frontage of property**



## **400 Western Avenue N.**



**Looking south on Virginia St. at Fuller Av., existing building and Phase II site on right**



**Looking south on Virginia St. from Fuller Av. towards property**



## 400 Western Avenue N.



Looking north on Western Av., property on right



Looking south on Western Av., property midblock left



## **400 Western Avenue N.**



**Looking east across Western Av. from Central Av. towards property**



**Looking west on Central Av. from Western Av.**

city of saint paul  
planning commission resolution  
file number 9-25  
date April 10, 2009

WHEREAS, Sunlight Investments, Inc., File # 09-039-764, has applied for a Conditional Use Permit for a 36 unit assisted living facility, with modification of the side and rear setback condition under the provisions of ' 65.180 of the Saint Paul Legislative Code, on property located at 400 Western Ave N, Parcel Identification Number (PIN) 362923420099, legally described as WESTERN AREA ADDITION SUBJ TO ESMTS THE N 1/2 OF VAC CENTRAL AVE ADJ AND LOT 5 BLK 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 2, 2009, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of ' 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is seeking a conditional use permit to accommodate an assisted living facility. Since this use is not permitted in the B2 district, the applicant is also seeking a rezoning to RM2, where assisted living facilities are first permitted as conditional uses.
2. ' 65.180 regulates assisted living facilities by invoking standards named in ' 65.182, which are applicable to nursing homes. These standards are:
  - (1) *The yard requirements for multiple family-uses in the district apply.* This condition is not met. The applicant has requested a modification of this condition.
  - (2) *In traditional neighborhood development districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.* This condition does not apply because the site is not located in a traditional neighborhood development district.
  - (3) *In traditional neighborhood development districts, the site shall contain a minimum of one hundred fifty (150) square feet of green space per resident, consisting of outdoor seating areas, gardens, and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.* This condition does not apply because the site is not located in a traditional neighborhood development district.
3. ' 61.501 lists five standards that all conditional uses must satisfy:
  - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. One of the objectives of the Housing section of the adopted District 8 Plan is "to promote neighborhood diversity by providing housing options and opportunities for people of varied income levels and lifestyles (p. 9)." The proposed rezoning to RM2 is intended to allow for an assisted living facility, which would provide housing options and

moved by Kramer  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

opportunities for older residents.

Furthermore, a quality of place theme in the Summary and General Policy of the City Comprehensive Plan is to create "attractive housing that meets a wide variety of needs" (p. 9). The proposed rezoning to RM2 is intended to allow for an assisted living facility, which would provide housing and services for older residents.

In addition, Policy 5.4 of the Comprehensive Plan's Housing Chapter supports a diversity of building and unit types, particularly to meet the needs of a growing number of older persons looking for alternative housing in their own neighborhood.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The site plan shows a main entryway on Western Avenue with a large parking lot in front of the proposed assisted living facility, allowing for adequate ingress and egress to minimize traffic congestion in the public streets.
  - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The conditional use would not significantly change the types of land use already found in the area.
  - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition will be met; provided the site is rezoned to RM2 by the City Council and the Planning Commission approves the modification of setback requirements. The use is permitted as a conditional use in the RM2 district. The use is in accord with the development types in the surrounding area, and so would not impede further development or improvements.
  - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition will be met, provided the site is rezoned to RM2 by the City Council.
4. The planning commission may approve modifications of special conditions when specific criteria of '61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.*

The setback requirements for RM2 are 25 feet to the front and rear and a distance equal to half the building height (according to the site plans, half of the building height is 10 feet) to the sides. There is an existing building on the site, which the applicant proposes to reuse as an assisted living facility. The existing building has a setback of over 150 feet in the front, 10 feet in the back, zero feet to the east, and .5 feet to the west. The intent of the setback requirement is to allow for light, air, and fire safety.

In the back, a 15 foot modification is required. A 14-foot alley adjoins the rear the property line, for separation of 24 feet from the property to the south. The existing 10 feet between the building and the property line in addition to the 14-foot alley is sufficient to meet the intent of the rear setback requirement.

To the east, a 10-foot modification is required. There is a 27-foot utility easement on the adjoining property to the east of the site, so no building can be constructed there, which allows for the intent of the setback requirement to be met.

To the west, a 9.5-foot modification is required. The property due west (388 Western Avenue North) is owned by Uni-West Partners, LLC. The applicant's representative is also the agent of

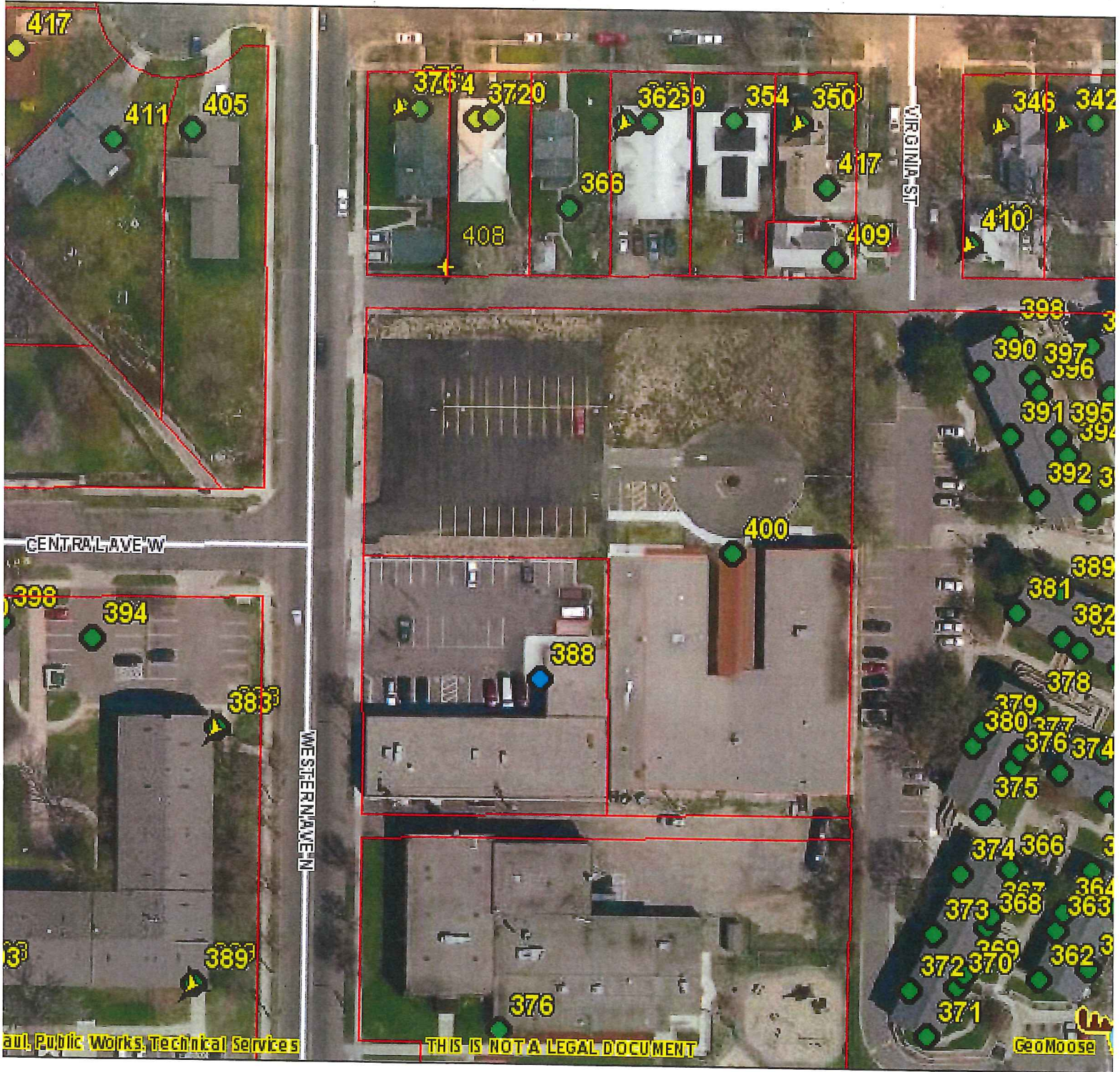
record for that property and has promised that an easement of 9.5 feet will be granted, which would be sufficient to meet the intent of the setback requirement.

Modifying the rear and side setback requirements will therefore not impair the intent of the condition or compromise the health, morals, and general welfare of the community or the reasonable enjoyment of adjacent property. A strict application of the setback requirement would unreasonably limit and prevent otherwise lawful use of this existing structure, which would result in exceptional undue hardship to the owner of the property.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Sunlight Investments, Inc. Attn: Lee Vang for a Conditional Use Permit for a 36 unit assisted living facility, with modification of side and rear setback condition at 400 Western Ave N is hereby approved.

1. City Council approval of rezoning the site to RM2.
2. Site plan approval of the nursing home/assisted living facility.
3. The applicant reaches an agreement for an easement of 9.5 feet with the owner of 388 Western Avenue North, and this easement is recorded on the deed for 388 Western Avenue North.





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CENTRAL AVE W

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WESTERN AVE N

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aul, Public Works, Technical Services

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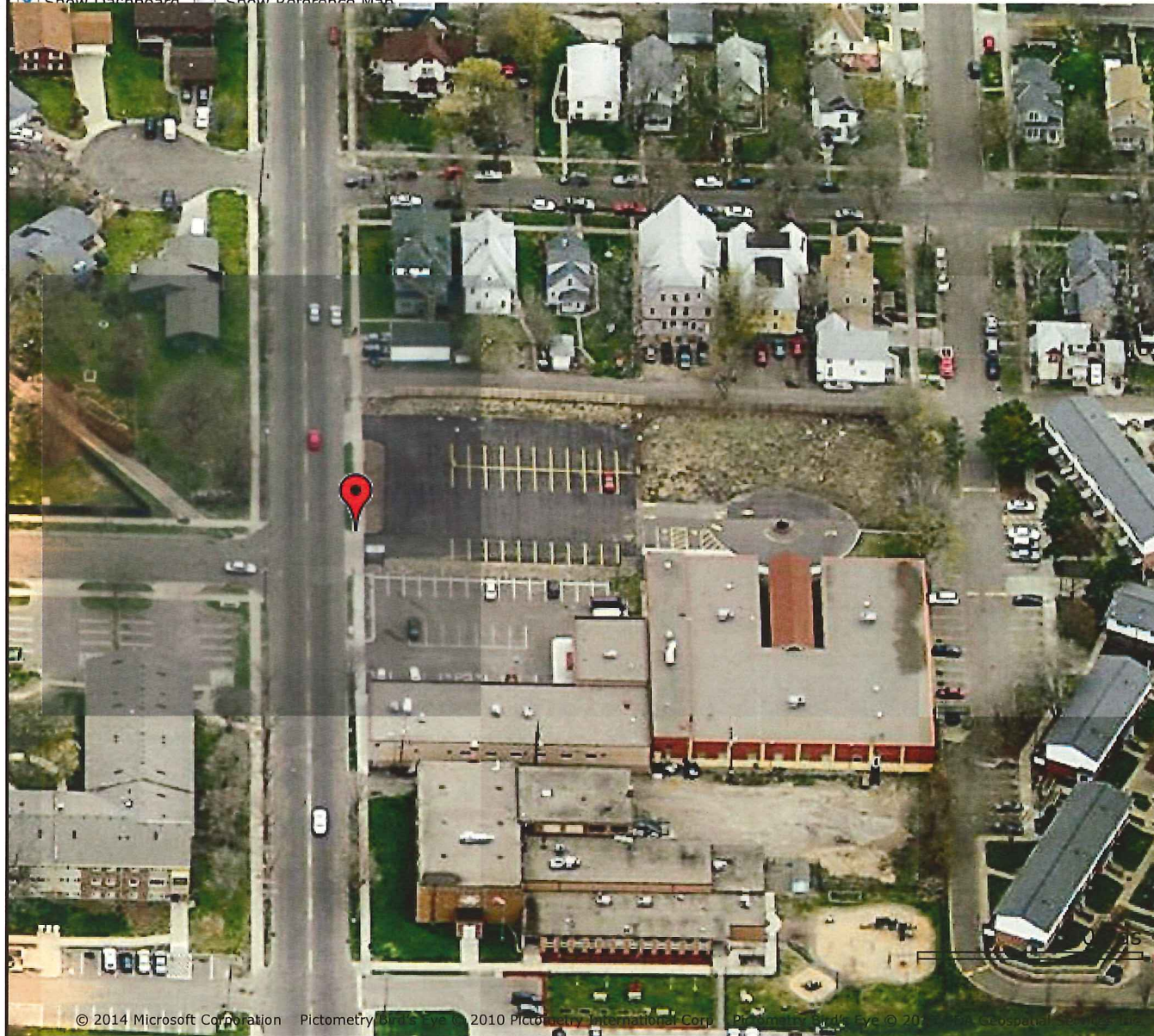
GeoMoose



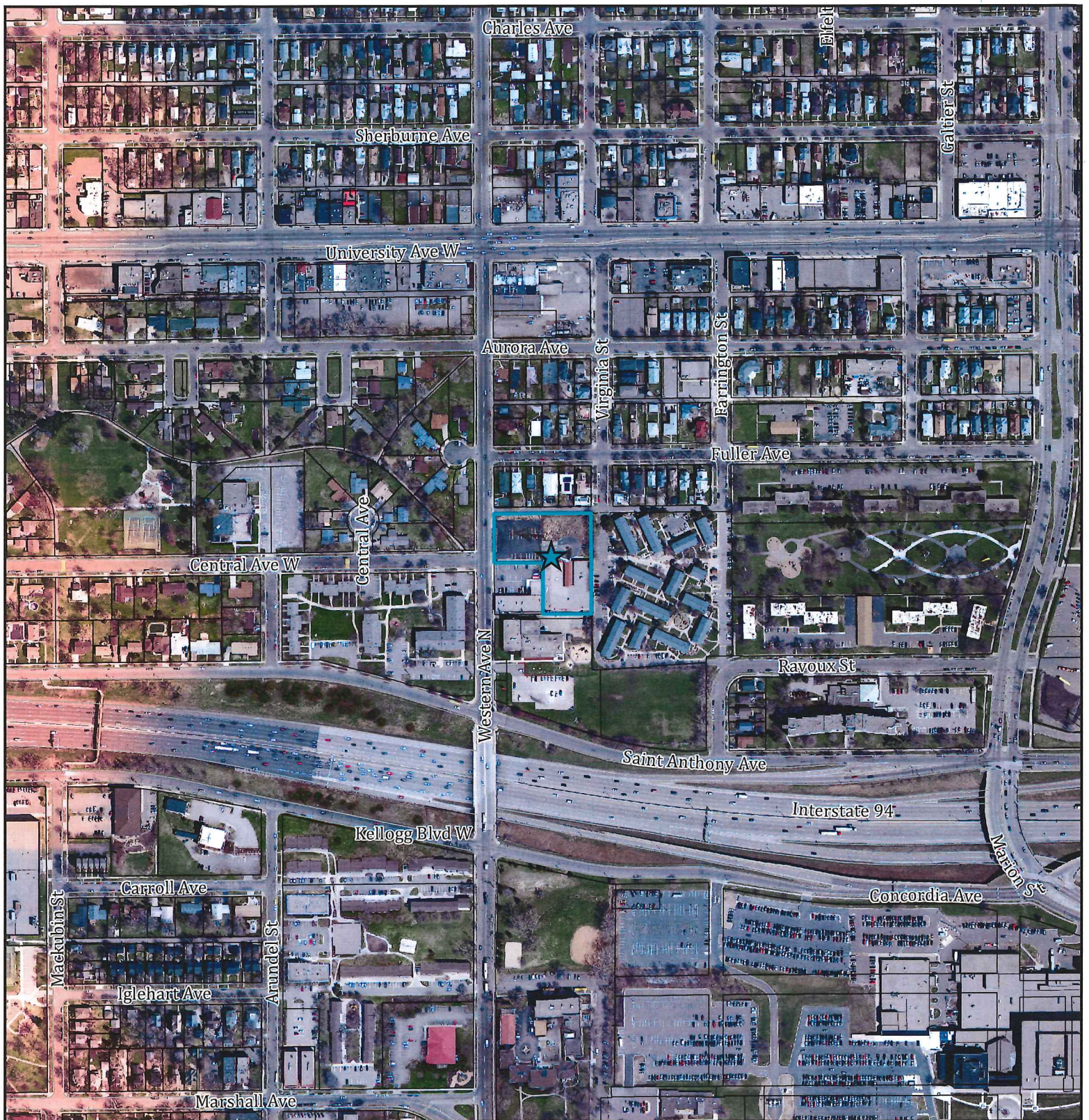
# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☐ Show Reference Map







APPLICANT: Cy Thao

APPLICATION TYPE: Conditional use permit w/variance

FILE #: 14-339687 DATE: 10/29/2014

PLANNING DISTRICT: 8

ZONING PANEL: 15

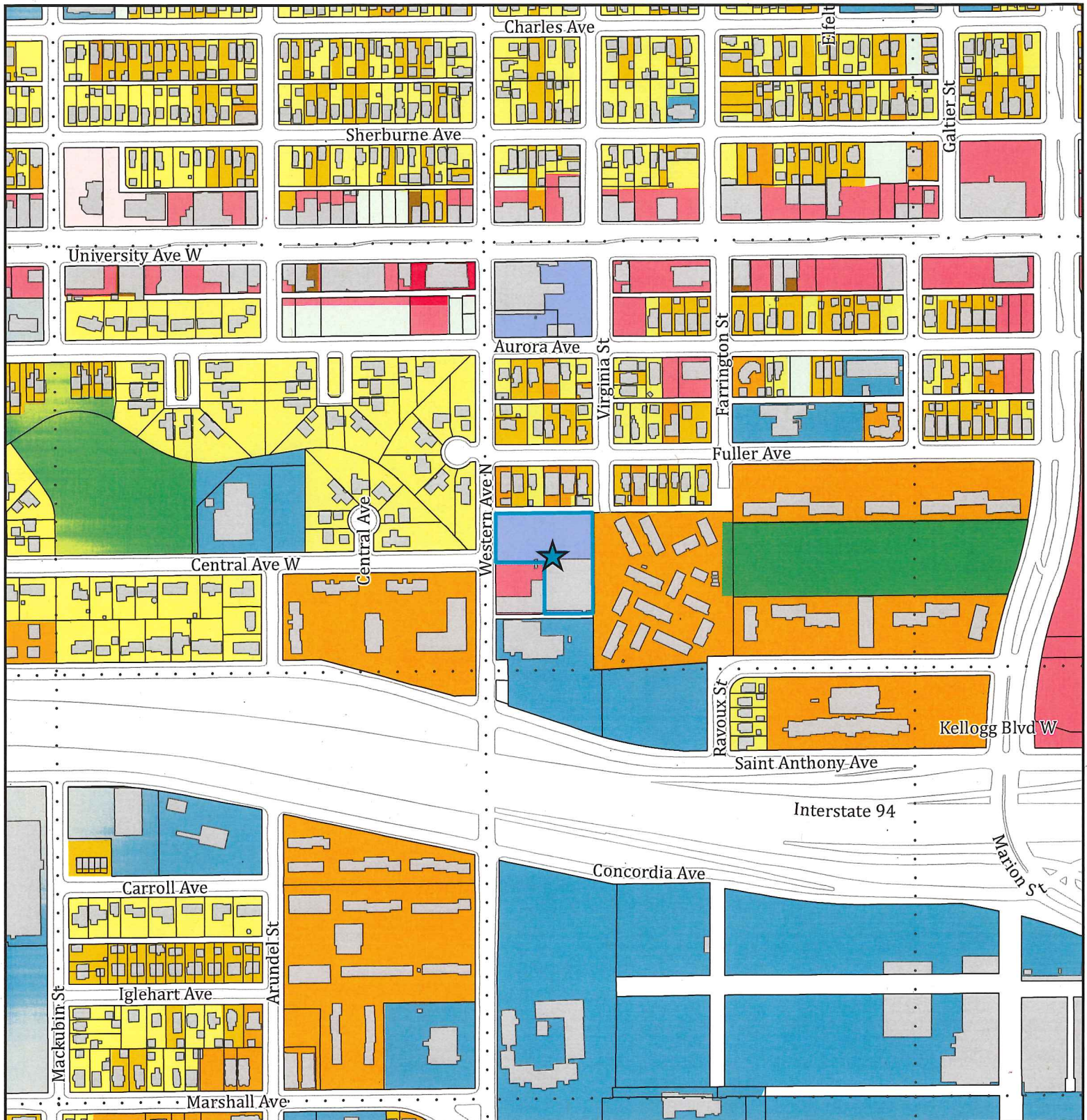
Aerial

 Subject Parcels

0 82.5 165 330 495 660  
Feet







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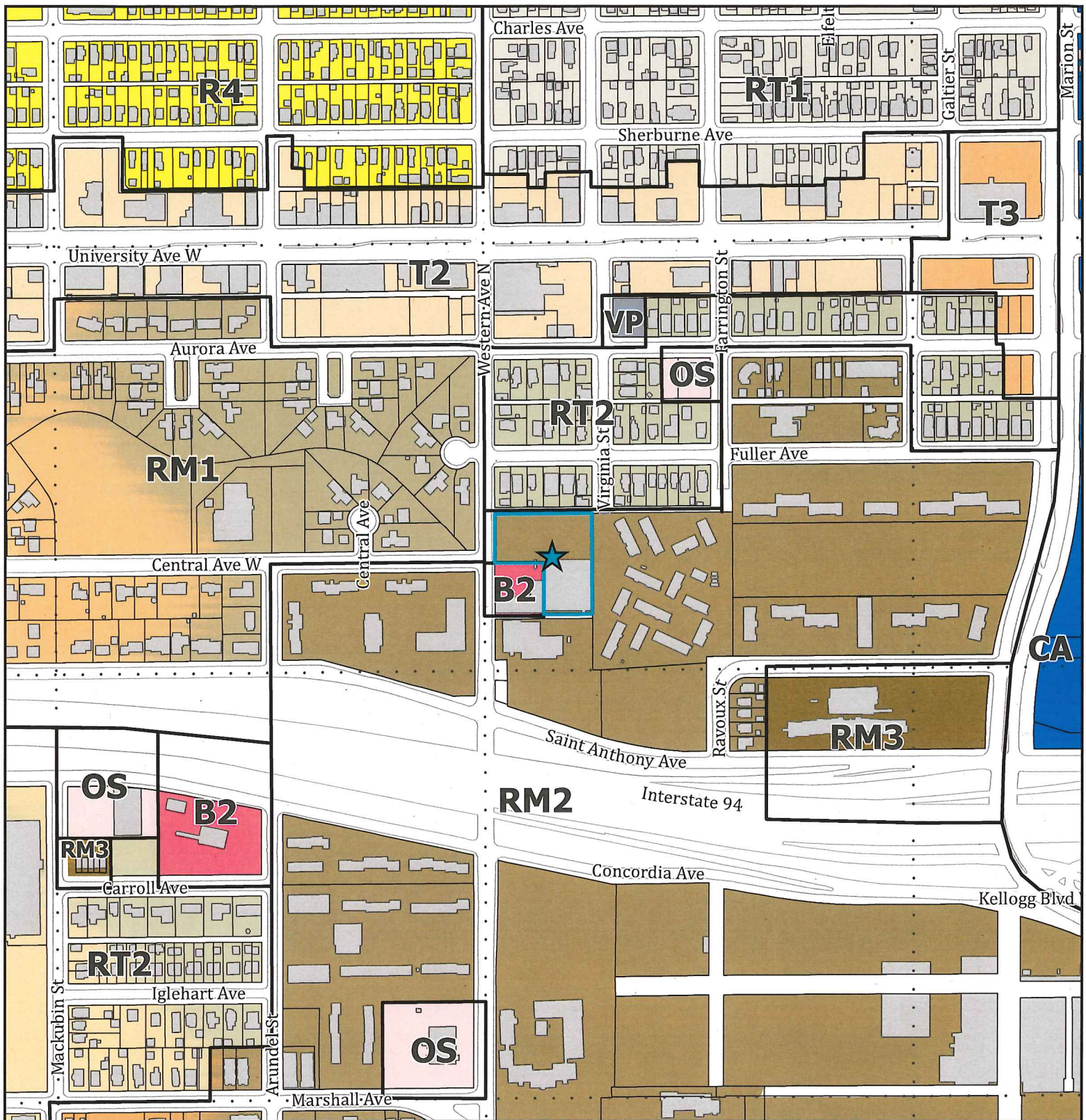
#### Land Use

- |   |   |
|---|---|
| <span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> Single Family Detached            | <span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> Industrial and Utility     |
| <span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> Single Family Attached            | <span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span> Institutional                   |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightpink; border:1px solid black;"></span> Multifamily                    | <span style="display:inline-block; width:15px; height:15px; background-color:green; border:1px solid black;"></span> Park, Recreational or Preserve |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> Office                         | <span style="display:inline-block; width:15px; height:15px; background-color:black; border:1px solid black;"></span> Major Highway                  |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> Retail and Other Commercial   | <span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> Undeveloped               |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> Mixed Use Residential          | <span style="display:inline-block; width:15px; height:15px; border:1px solid blue;"></span> Subject Parcels   |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> Mixed Use Commercial and Other | <span style="display:inline-block; width:15px; height:15px; border:1px solid black;"></span> Section Lines  |

0 82.5 165 330 495 660 Feet







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PLANNING DISTRICT: 8

ZONING PANEL: 15

### Zoning

- |                             |                              |
|-----------------------------|------------------------------|
| R4 One-Family               | T3 Traditional Neighborhood  |
| RT1 Two-Family              | OS Office-Service            |
| RT2 Townhouse               | B2 Community Business        |
| RM1 Multiple-Family         | VP Vehicular Parking         |
| RM2 Multiple-Family         | CA Capitol Area Jurisdiction |
| RM3 Multiple-Family         | Subject Parcels              |
| T2 Traditional Neighborhood | Section Lines                |

0 82.5 165 330 495 660 Feet

