

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Wilson Ridge Apartments **FILE #:** 16-009-696
 2. **APPLICANTS:** WRA 1276 LLC & WRA 1256 LLC **HEARING DATE:** February 25, 2016
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 1254, 1256, & 1276 Wilson Ave, between Johnson Pkwy and English Street
 5. **PINS & LEGAL DESCRIPTION:** 332922410027, 332922410087, & 332922410088; See file for legal description
 6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** RT1/RM2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** February 17, 2016 **BY:** Bill Dermody
 9. **DATE RECEIVED:** February 10, 2016 **60-DAY DEADLINE FOR ACTION:** April 10, 2016
-

- A. **PURPOSE:** Rezone from RT1 Two-Family Residential and RM2 Medium-Density, Low-Rise Multiple-Family Residential to RM3 High-Density, High Rise Multiple-Family Residential.
- B. **PARCEL SIZES:** 0.16 acres + 0.16 acres + 4.3 acres = 4.6 acres total
- C. **EXISTING LAND USE:** Multi-family residential (1276 Wilson) and duplex residential (1254 & 1256 Wilson)
- D. **SURROUNDING LAND USE:**
 - North: Single-family attached residential (RT1)
 - East: Multi-family residential (RM3)
 - South: Interstate 94
 - West: Single-family residential fronting Johnson Parkway (R4)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The subject site contains a duplex constructed in 2005 near Wilson Avenue and an L-shaped, 3-story apartment building constructed in 1970. The apartment property's western portion is undeveloped and was rezoned from RT1 to RM2 as part of the Gold Line Zoning Study in 2015, which served to eliminate the parcel's split zoning that had existed since 1975. The duplex properties have been zoned RT1 since 1975 and were split into two parcels at the time of construction in 2005.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Dayton's Bluff Community Council recommends approval of the application.
- H. **FINDINGS:**
 1. The application requests rezoning of 1254, 1256, and 1276 Wilson Avenue to RM3 in order to allow for a new 3-story apartment building to be constructed.
 2. The proposed zoning is consistent with the way this area has developed. While properties fronting Johnson Parkway to the west have developed as single-family uses, the properties farther east have been developed with more intense uses, including a high-rise apartment tower. With the Gold Line (Gateway) Bus Rapid Transit under study, including a planned station approximately two blocks to the east, it is notable that the RM3 zoning district is intended to provide for high-density multi-family structures adjacent to high-frequency transit service.

3. The proposed zoning is consistent with the Comprehensive Plan. The Gold Line Station Area Plans identify the apartment property (1276 Wilson Avenue) as being within the Primary Transit-Oriented Development (TOD) Zone, which should support “high-intensity TOD”, described in the document as consisting of mid- and high-rise buildings generally 2 to 5 stories in height, though potentially taller depending on the setting”. The proposed RM3 zoning is consistent with the plan designation. The proposed RM3 zoning on the duplex property (1254 & 1256 Wilson Avenue) is also consistent in that it allows for a contiguous, logical site plan and development that makes use of the Primary TOD Zone as directed by the Gold Line Station Area Plans.
 4. The proposed RM3 zoning is compatible with the adjacent RM3 multi-family uses to the east and single-family uses fronting Johnson Parkway to the west. The RM3 zoning district requires building setbacks that ensure compatibility with the adjacent single-family uses: 25-foot front and rear yard setbacks, 9-foot side yard setbacks, and, for portions of a building over 50 feet in height (if any), minimum side yard setbacks of 25 feet or 9 feet plus one-half the building height over 50 feet, whichever is less.
 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.”* The proposed rezoning does not represent “spot zoning” as it is a continuation of the adjoining RM3 zoning district to the east.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 Two-Family Residential and RM2 Multiple-Family Residential to RM3 Multiple-Family Residential.

PETITION TO AMEND THE ZONING CODE



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) 266-6589

Zoning Office Use Only
File #: _____
Fee: _____

APPLICANT

Property Owner WRA 1276 LLC. and WRA 1256-LLC.
Address 811 LaSalle Avenue
City Minneapolis State MN Zip 55402 Daytime Phone 612-767-4001

PROPERTY LOCATION

Address/Location 1254, 1256 and 1276 Wilson Avenue, St. Paul, MN
Legal Description See Attached "Exhibit A"

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, WRA 1276 LLC. and WRA-1256 LLC., owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a RM2 and RT1 zoning district to a RM3 zoning district, for the purpose of:

See Attached

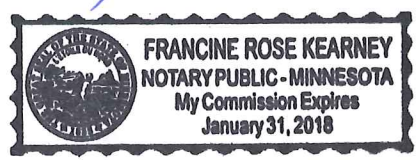
(Attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date Feb. 2 2016

Francine Rose Kearney
Notary Public



WRA 1276 LLC.
By: [Signature]
Its: Manager
Fee owner of property
WRA 1256-LLC.
By: [Signature]
Its: manager

PETITION TO AMEND THE ZONING CODE

By

WRA 1276 L.L.C., a Minnesota limited liability company, and
WRA-1256 L.L.C., a Minnesota limited liability company

Statement of Intent

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the St. Paul Zoning Ordinance and Minnesota Statutes Section 462.357(5), WRA 1276 L.L.C., a Minnesota limited liability company, WRA-1256 L.L.C., a Minnesota limited liability company, owners of the land proposed for rezoning, hereby petition you to rezone the properties described on **Exhibit A** to the attached Petition from an RM2 and RT1 zoning district, respectively, to a consolidated RM3 zoning district for the purpose of facilitating the development of a new 113-unit affordable rental housing development adjacent to the existing 102-unit market rate apartments known as "Wilson Ridge Apartments".

The demographic of the surrounding Dayton's Bluff community and the introduction of additional mass transit have given rise to demand for affordable, transit-oriented housing in the vicinity. However, the allowable density currently afforded to the properties under the existing zoning districts does not adequately serve such demand, as evidenced by the November 15, 2015 letter of support from the Dayton's Bluff Community Council, a copy of which is attached as **Exhibit B**.

The properties are ideally located less than two blocks west of the proposed Gateway Corridor and the Gold Line BRT. The proposed BRT stop on Eustis Avenue is just three blocks from the properties, and another stop just three or four blocks away is being considered in the opposite direction. The new Rapid Bus line will run immediately south of the property in the I-94 right of way. (Petitioners have agreed to reasonably cooperate with minor land adjustments if needed to accommodate the new line.)

Applicants are simultaneously applying to reconfigure the properties to facilitate compliance of the proposed new apartment development with parking, set-back and other requirements while still ensuring compliance of the existing apartment development with the mandates of the new RM3 zoning district. Attached are sketches showing the current configuration of the properties (**Exhibit C**), a sketch and description showing the proposed subdivision (**Exhibit D**), and a proposed site plan depicting the footprint of the existing building on the east, and the proposed new building on the west, along with the shared outdoor parking plan (**Exhibit E**). Also attached are floor plans and concept drawings showing perspective views of the proposed development (**Exhibit F**) and a vicinity map and aerial photograph (**Exhibit G**). In connection with the contemplated subdivision, applicants will deed the new development to Wilson Affordable Housing L.L.C., a related single purpose entity, while WRA 1276 L.L.C. will retain the existing Wilson Ridge Apartments, as reconfigured.

Properly developed, the properties could enable dozens more families to reside within easy bus access to areas of employment concentration. Additional density would help to maximize use of the land and available mass transit to better accommodate the changing needs of the community.

EXHIBIT A

TO

PETITION TO AMEND THE ZONING CODE

EXHIBIT A – LEGAL DESCRIPTIONS

1276 Wilson Avenue, St. Paul, Minnesota; Currently Zoned RT1 and RM2

Owner: WRA 1276 L.L.C., a Minnesota limited liability company

Parcel 1. Lot 9, Block 1, Lindley Heights

Parcel 2. Lots 2, 3, 4, 5, 6, 7 and 8, Block 1, Lindley Heights and that part of the south half of adjoining Wakefield Avenue, vacated, lying between the extensions across said avenue of the east line of said Lot 2, and the west line of said Lot 8. Subject to the easements and rights reserved by Section 228 of the Saint Paul Legislative Code as to said portions of vacated street, as set forth in the instrument filed as document no. 451892.

Lots 10 and 11, Block 1, Lindley Heights. Subject to the easements and rights reserved by Section 228 of the Saint Paul Legislative Code as to said portions of vacated street and alley, as set forth in the instrument filed as document no. 451892.

Parcel 3. Lots 4, 5, 6, 7 and 8, Block 2, Lindley Heights, and that part of the north half of the adjoining alley, vacated, lying between the extensions across said alley of the east line of said Lot 4 and the west line of said Lot 8. Subject to the easements and rights reserved by Section 228 of the Saint Paul Legislative Code as to said portions of the vacated alley, as set forth in the instrument filed as document no. 451892.

Lots 17, 18, 19, 20, 21, 22, 23, 24 and 25, Block 2, Lindley Heights, and that part of the north half of adjoining Wakefield Avenue, vacated, lying between the extensions across said avenue of the east line of said Lot 25 and the west line of said Lot 19, and that part of the south half of the adjoining alley, vacated, lying between the extensions across said alley of the east line of said Lot 25, and the northwesterly line of said Lot 17. Subject to the easements and rights reserved by Section 228 of the Saint Paul Legislative Code as to said portions of vacated street and alley, as set forth in the instrument filed as document no. 451892.

Certificate of Title No. 601978

1254 Wilson Avenue, St. Paul, Minnesota; Currently Zoned RT-1

Owner: WRA-1256 L.L.C., a Minnesota limited liability company

Lot 9, Block 2, Lindley Heights, together with the North half of the vacated East-West alley in Block 2, Lindley Heights lying between the East line of Lot 9 extended and the extended Westerly line of said Lot 9, Block 2, Lindley Heights, lying Westerly of the following described line: Commencing at the northeast corner of said Lot 9; thence south, assumed bearing, along the east line of said Lot 9 and its southerly extension a distance of 140.84 feet to the south line of the North half of said vacated alley; thence South 89 degrees 53 minutes 59 seconds West along said South line of the North half of said vacated alley a distance of 83.53 feet to the point of beginning of the line to be herein described; thence North 22 degrees 04 minutes 53 seconds East 160.06 feet to a point in the north line of said Lot 9 distant 24.51 feet, as measured along said north line from said northeast corner of said Lot 9 and there terminating.

Certificate of Title No. 588979¹

¹ Applicant acquired title February 1, 2016 pursuant to attached Deed to be recorded.

1256 Wilson Avenue, St. Paul, Minnesota; Currently Zoned RT-1

Owner: WRA-1256 L.L.C., a Minnesota limited liability company

That part of Lot 9, Block 2, Lindley Heights, together with the North half of the vacated East-West alley in Block 2, Lindley Heights lying between the East line of Lot 9 extended and the extended Westerly line of said Lot 9, Block 2, Lindley Heights, lying Easterly of the following described line: Commencing at the northeast corner of said Lot 9; thence south, assumed bearing, along the east line of said Lot 9 and its southerly extension a distance of 140.84 feet to the south line of the North half of said vacated alley; thence South 89 degrees 53 minutes 59 seconds West along said South line of the North half of said vacated alley a distance of 83.53 feet to the point of beginning of the line to be herein described; thence North 22 degrees 04 minutes 53 seconds East 160.06 feet to a point in the north line of said Lot 9 distant 24.51 feet, as measured along said north line from said northeast corner of said Lot 9 and there terminating.

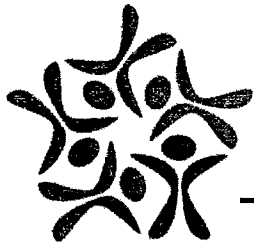
Certificate of Title No. 608176

11453332v1

EXHIBIT B

TO

PETITION TO AMEND THE ZONING CODE



dayton's bluff
COMMUNITY COUNCIL

804 Margaret St. Saint Paul, MN 55106 . Phone 651-772-2075

Visit our website at www.daytonsbluff.org

November 25, 2015

Wilson Ridge Affordable Housing , LLC
c/o Wall Companies
811 LaSalle Ave., #102
Minneapolis, MN 55402

Attn: John Wall

RE: Wilson Ridge Apartments

Dear John Wal;

The Board of Directors of the Dayton's Bluff Community Council met on November 16, 2015. Members of the Wilson Ridge ownership and development team presented the plans for redevelopment of the Wilson Ridge Apartments at 1276 Wilson Avenue. This housing is an important asset in the Dayton's Bluff Community and community members were very interested in the plans that include major investment in housing located in Dayton's Bluff. The Board and other community members were given a recap of the physical improvements planned, reviewed a number of visual depictions of the proposed changes and received satisfactory responses to our questions.

In response to a request for support of rezoning to RM3, the Board voted unanimously to support the rezoning for the project. In addition, the Board included a statement emphasizing support for increased density in this area that will be served by the Gold Line, a planned major transit line that has significant community support.

We invite any questions about our support for this important project.

Sincerely,

Deanna Abbott-Foster
Executive Director

EXHIBIT C

TO

PETITION TO AMEND THE ZONING CODE

SKETCH AND DESCRIPTION

FOR Wilson Ridge Apartments

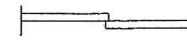
KURTH SURVEYING, INC.

DATE January 21, 2016

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

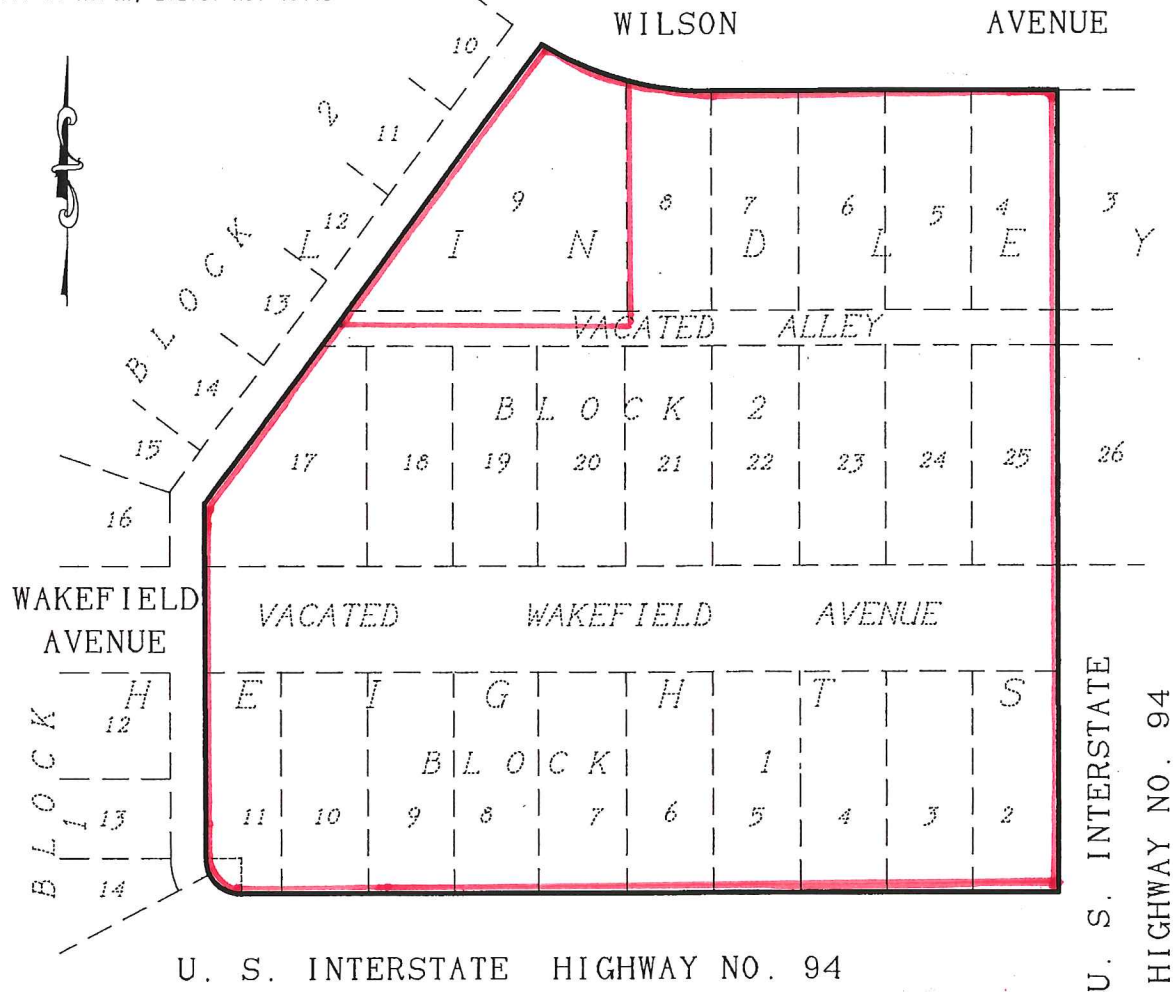
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN. 55421
(763) 788-9769 FAX (763) 788-7602

0 100



SCALE IN FEET

Randy L. Kurth, L.L.S. No. 20270
Russell J. Kurth, L.L.S. No. 16113



PROPOSED PROPERTY DESCRIPTION FOR REZONING

Lots 2 to 11, Block 1, together with the south half of adjoining Wakefield Avenue, vacated, lying between the extensions across said Avenue of the east line of said Lot 2 and the west line of said Lot 11, Block 1

And:

Lots 4 to 9, inclusive and Lots 17 to 25, inclusive, Block 2, and that part of the north half of adjoining Wakefield Avenue, vacated, lying between the extensions across said Avenue of the east line of said Lot 25 and the west line of said Lot 17, Block 2, and that part of the south half of the adjoining Alley, vacated, lying between the extensions across said Alley of the east line of said Lot 25 and the northwesterly line of said Lot 17, Block 2 and that part of the north half of the adjoining Alley, vacated, lying between the extensions across said Alley of the east line of said Lot 4 and the northwesterly line of said Lot 9, Block 2.

All in the plat of LINDLEY HEIGHTS, Ramsey County, Minnesota.

Established in 1962
LOT SURVEYS COMPANY, INC.
 LAND SURVEYORS

REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA
 7001 73rd Avenue North
 Minneapolis, Minnesota 55428
 (763) 560-7000
 Fax No. 561-3622

Surveyors Certificate

**WISDOM DEVELOPMENT
 LOT DIVISION**

INVOICE NO. 72339
 F.B. NO. 1013-05
 SCALE: 1" = 20'

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only

- 000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- Denotes Surface Drainage

NOTE: Proposed grades are subject to results of soil tests.

Proposed building information must be checked with approved building plan and development or grading plan before excavation and construction.

- Proposed Top of Block
- Proposed Garage Floor
- Proposed Lowest Floor
- Type of Building

Existing Legal Description.

Lot 8, Block 2, UNCLEY HEIGHTS, together with the North Half of the vacated East-West alley in Block 2, UNCLEY HEIGHTS lying between the east line of Lot 9 extended and the extended westerly line of said Lot 9, Block 2, UNCLEY HEIGHTS, Ramsey County, Minnesota.

Proposed Legal Description

Parcel A:

That part of Lot 9, Block 2, UNCLEY HEIGHTS, together with the North Half of the vacated East-West alley in Block 2, UNCLEY HEIGHTS, lying between the east line of Lot 8 extended and the extended westerly line of said Lot 8, Block 2, UNCLEY HEIGHTS, Ramsey County, Minnesota being westerly of the following described line: Commencing at the northeast corner of said Lot 9; thence South, assumed bearing, along the east line of said Lot 9 and its southerly extension a distance of 140.84 feet to the south line of the North Half of said vacated alley; thence South 89 degrees 53 minutes 58 seconds West along said South line of the North Half of said vacated alley a distance of 83.53 feet to the point of beginning of the line to be herein described; thence North 22 degrees 04 minutes 53 seconds East a distance of 162.06 feet to a point in the north line of said Lot 9 distant 24.31 feet, as measured along said north line from said northeast corner of said Lot 9 and there terminating.

Parcel B:

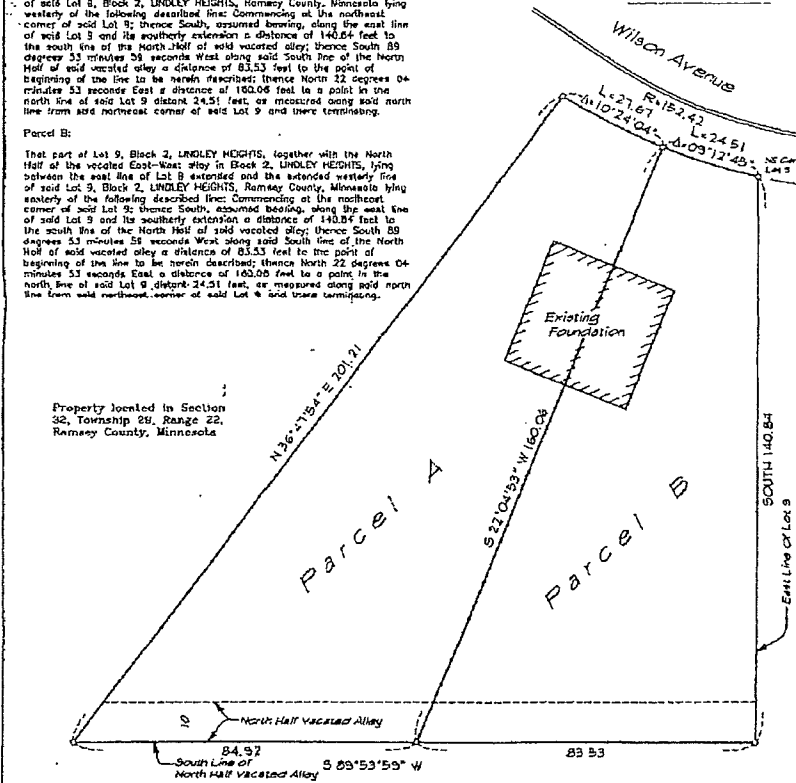
That part of Lot 9, Block 2, UNCLEY HEIGHTS, together with the North Half of the vacated East-West alley in Block 2, UNCLEY HEIGHTS, lying between the east line of Lot 8 extended and the extended westerly line of said Lot 8, Block 2, UNCLEY HEIGHTS, Ramsey County, Minnesota being westerly of the following described line: Commencing at the northeast corner of said Lot 9; thence South, assumed bearing, along the east line of said Lot 9 and its southerly extension a distance of 140.84 feet to the south line of the North Half of said vacated alley; thence South 89 degrees 53 minutes 58 seconds West along said South line of the North Half of said vacated alley a distance of 83.53 feet to the point of beginning of the line to be herein described; thence North 22 degrees 04 minutes 53 seconds East a distance of 162.06 feet to a point in the north line of said Lot 9 distant 24.31 feet, as measured along said north line from said northeast corner of said Lot 9 and there terminating.

Property located in Section 302, Township 28, Range 22, Ramsey County, Minnesota

The only easements shown are from plats of record or information provided by client.
 We hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and the location of all buildings and visible encroachments, if any, from or on said land.
 Surveyed by us this 27th day of July 2005.

Rev	Drawn By: J. Hanson
	File Name: In 0-20072339.dwg

Signed: *Charles T. Anderson*
 Charles T. Anderson, Minn. Reg. No. 21753 or
 Gregory R. Prosch, Minn. Reg. No. 24882



3

EXHIBIT D

TO

PETITION TO AMEND THE ZONING CODE

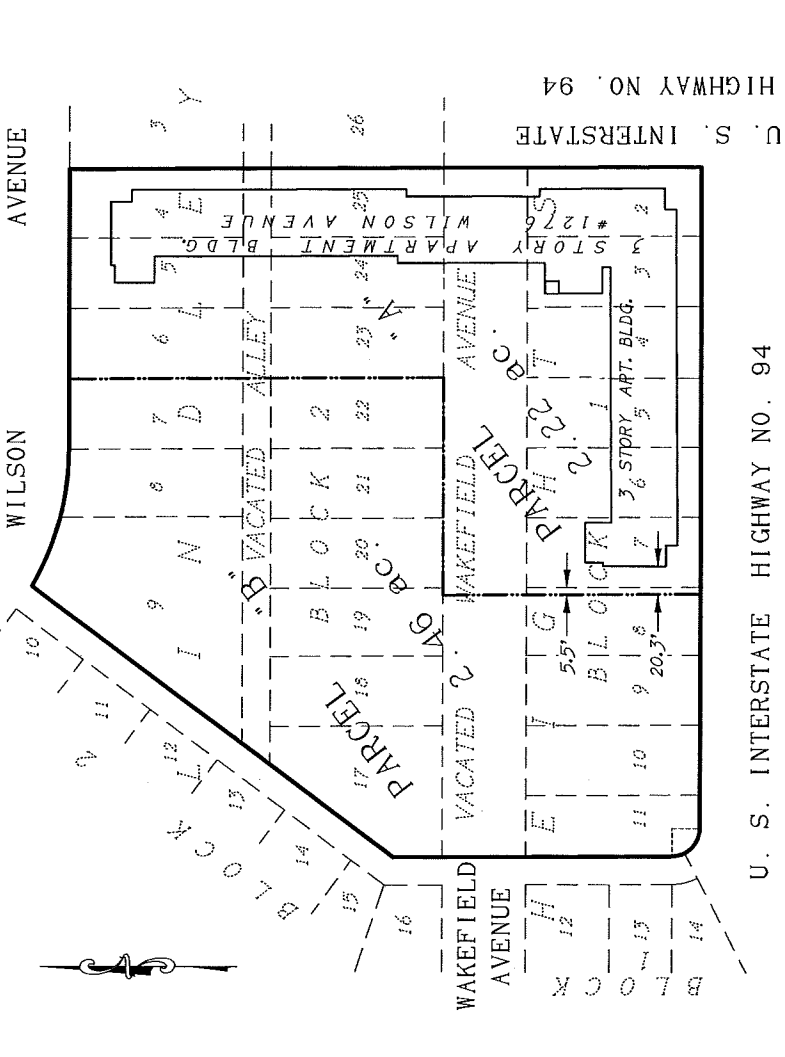
SKETCH AND DESCRIPTION rev. 1-27-16 (accreage)

FOR Wilson Ridge Apartments
 KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN. 55421
 (763) 788-9169 FAX (763) 788-7602

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Randy L. Kurth, L.L.S. No. 20270
 Russell J. Kurth, L.L.S. No. 16113

DATE January 25, 2016



PROPOSED PROPERTY DESCRIPTION FOR MORTGAGE RELEASE

PARCEL A - MORTGAGE RETAINED

Lots 2 to 7 and the east 5.5 feet of Lot 8, Block 1, together with all of the adjoining Wakefield Avenue, vacated, lying between the extensions across said Avenue of the east line of said Lot 2 and the west line of said east 5.5 feet of Lot 8, Block 1

And:
 Lots 4 to 6, inclusive and Lots 23 to 25, inclusive, Block 2, and that part of the adjoining Alley, vacated, lying between the extensions across said Alley of the east line of said Lot 25 and the westerly line of said Lot 23, Block 2.

All in the plat of LINDLEY HEIGHTS, Ramsey County, Minnesota.

PARCEL B - MORTGAGE RELEASED

Lots 9 to 11 and that part of Lot 8 lying westerly of the east 5.5 feet, Block 1, together with all of the adjoining Wakefield Avenue, vacated, lying between the extensions across said Avenue of the west line of said east 5.5 feet of Lot 8 and the west line of said Lot 11, Block 1

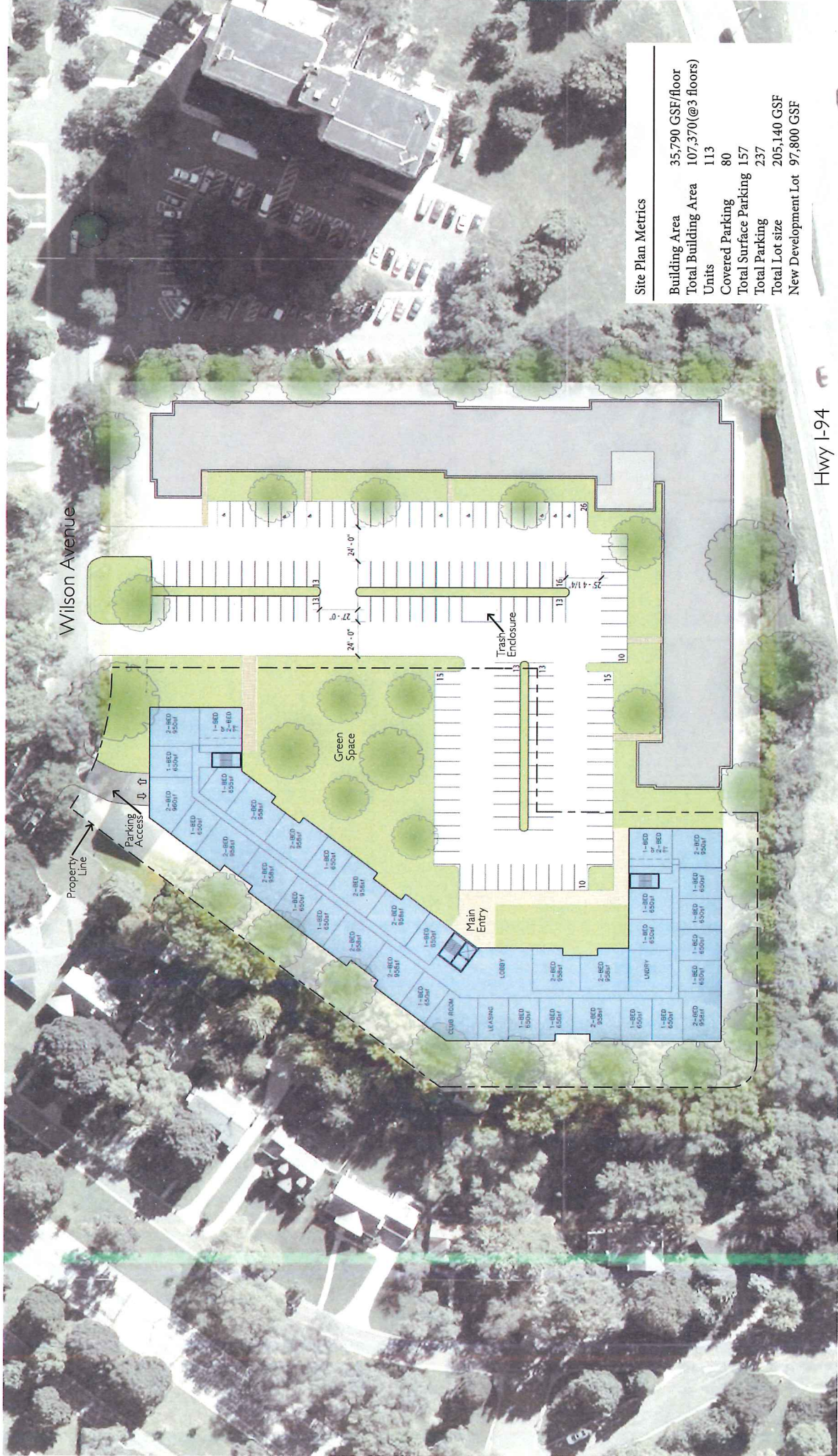
And:
 Lots 7 to 9, inclusive and Lots 17 to 22, inclusive, Block 2, and that part of the adjoining Alley, vacated, lying between the extensions across said Alley of the east line of said Lot 22 and the northwesterly line of said Lot 17, Block 2.

All in the plat of LINDLEY HEIGHTS, Ramsey County, Minnesota.

EXHIBIT E

TO

PETITION TO AMEND THE ZONING CODE



Site Plan Metrics

Building Area	35,790 GSF/floor
Total Building Area	107,370 (@3 floors)
Units	113
Covered Parking	80
Total Surface Parking	157
Total Parking	237
Total Lot size	205,140 GSF
New Development Lot	97,800 GSF

Wilson Avenue

Hwy I-94

Property Line
Parking Access

Green Space

Main Entry

Trash Enclosure

WILSON RIDGE APARTMENTS
SAINT PAUL, MINNESOTA
SCALE 1:50
11/16/2015

SITE PLAN

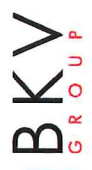
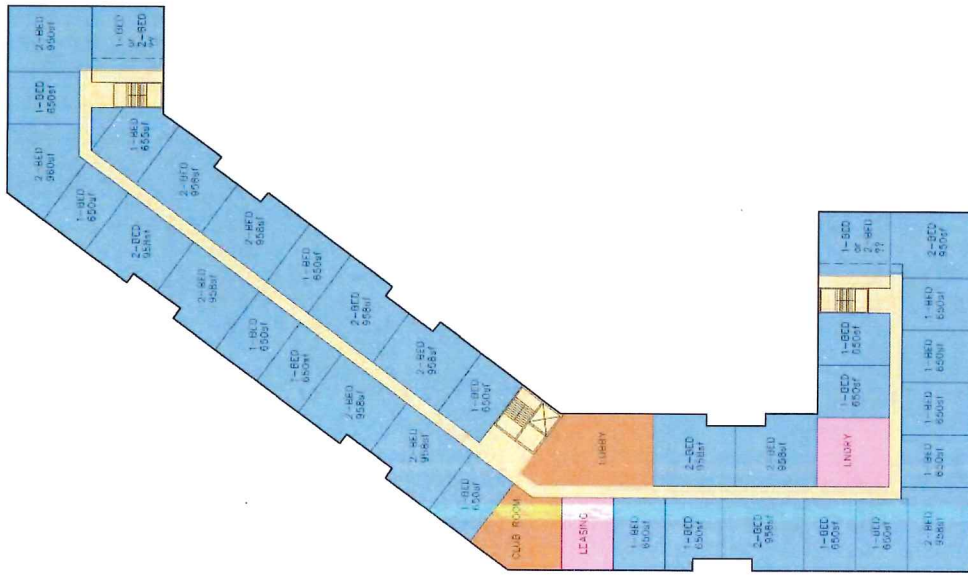


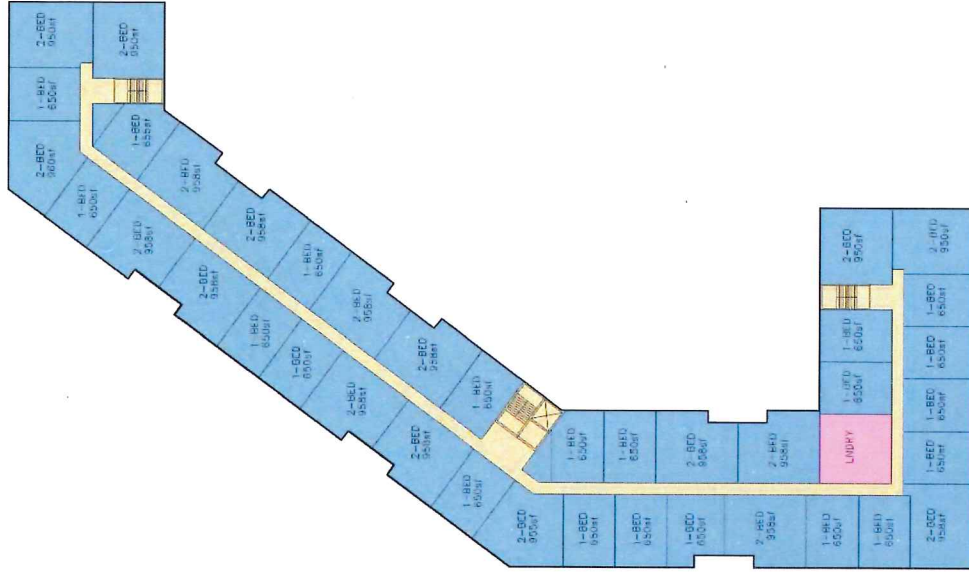
EXHIBIT F

TO

PETITION TO AMEND THE ZONING CODE



First Floor Plan



Upper Floor Plan

WILSON RIDGE APARTMENTS
 SAINT PAUL, MINNESOTA

11/16/2015

FLOOR PLANS



BKV
 GROUP



WILSON RIDGE APARTMENTS
 SAINT PAUL, MINNESOTA
 SCALE 1:50

PERSPECTIVE VIEWS





WILSON RIDGE APARTMENTS
SAINT PAUL, MINNESOTA

PERSPECTIVE VIEW





WILSON RIDGE APARTMENTS
SAINT PAUL, MINNESOTA

11/16/2015

SCALE 1:50

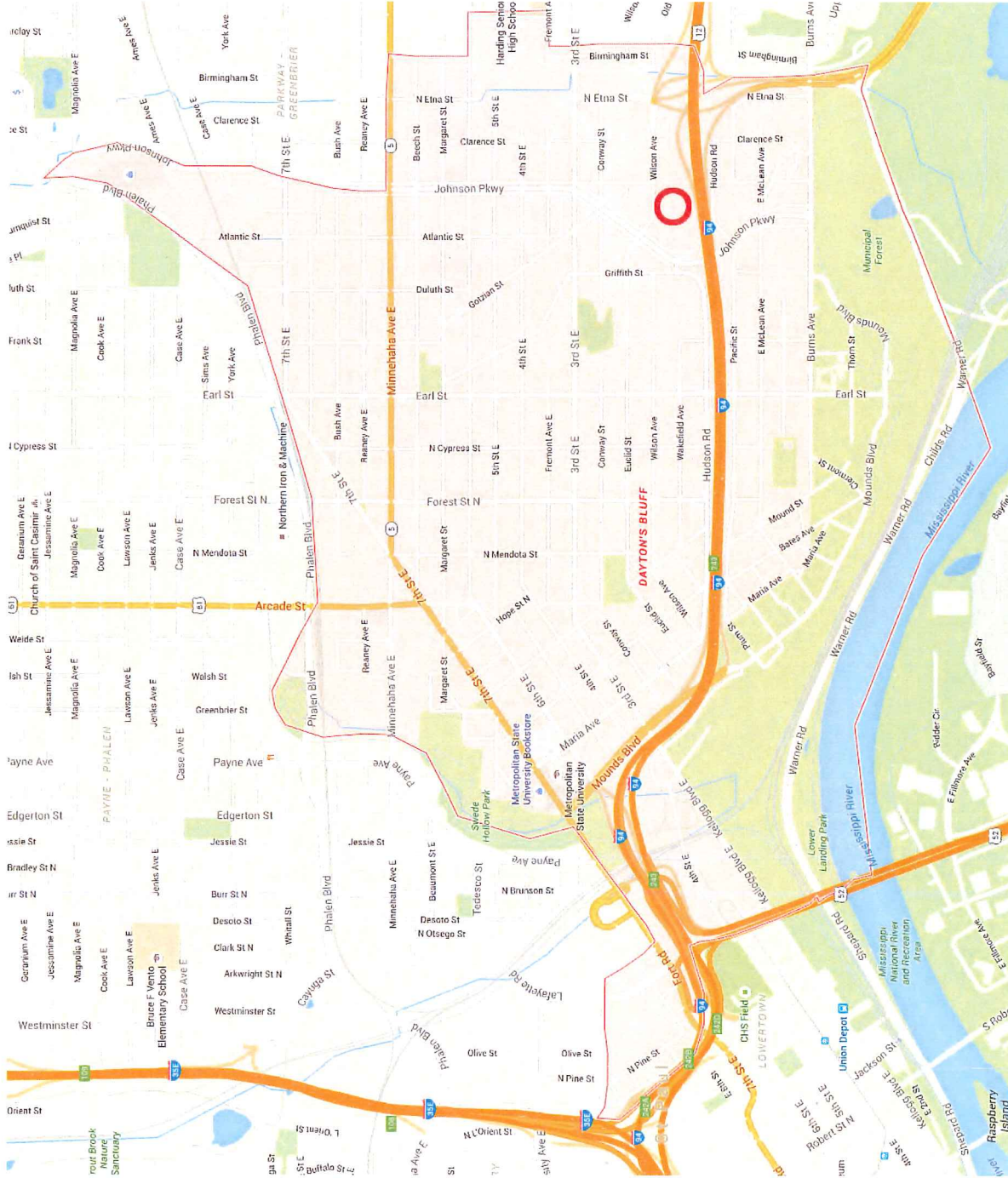
PERSPECTIVE VIEW



EXHIBIT G

TO

PETITION TO AMEND THE ZONING CODE



WILSON RIDGE APARTMENTS
 SAINT PAUL, MINNESOTA

SCALE 1:60
 11/16/2015

NEIGHBORHOOD MAP

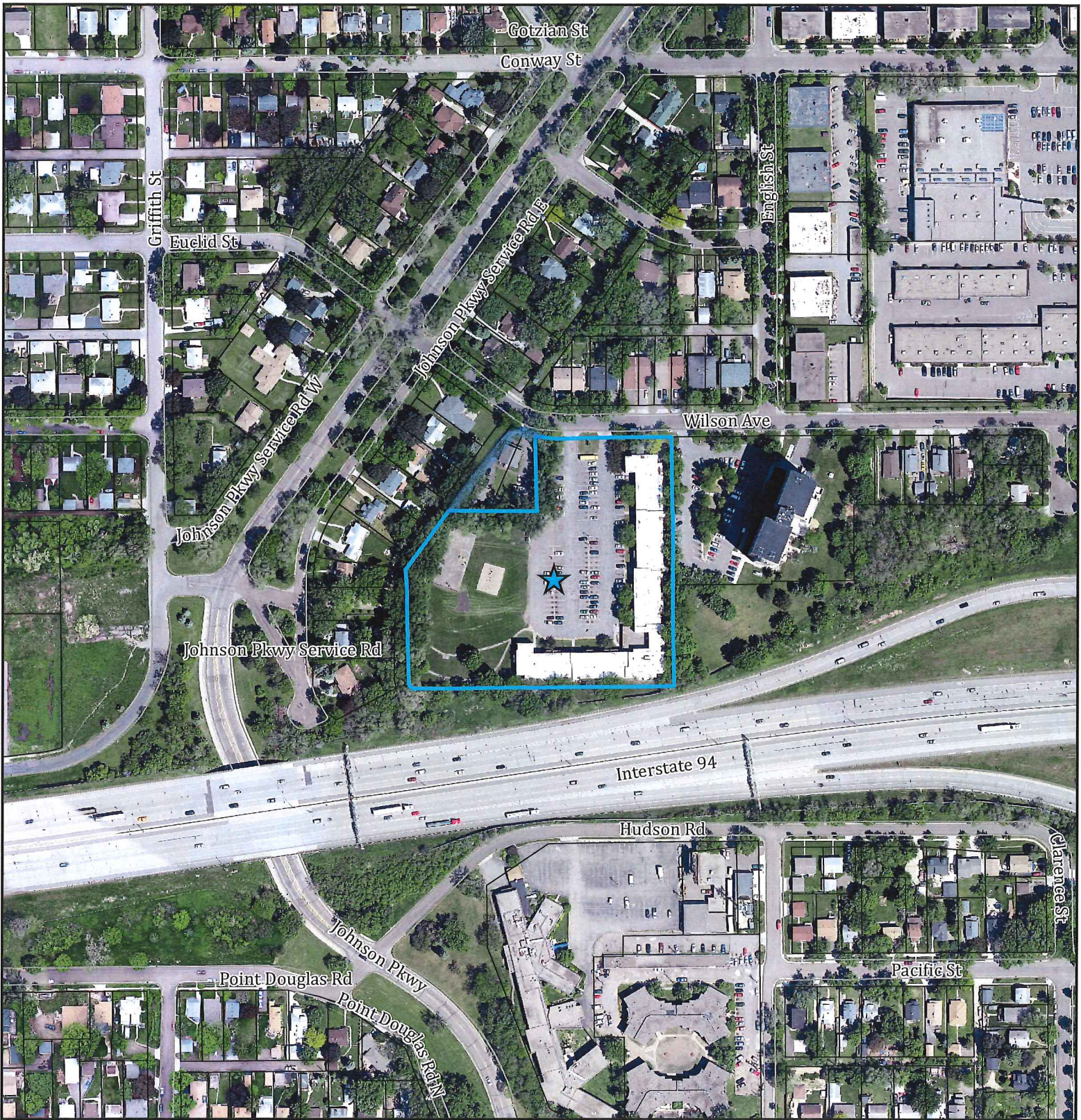




WILSON RIDGE APARTMENTS
SAINT PAUL, MINNESOTA
11/16/2015

CONTEXT






FILE NAME: Wilson Ridge Apartments

Aerial

APPLICATION TYPE: Rezone

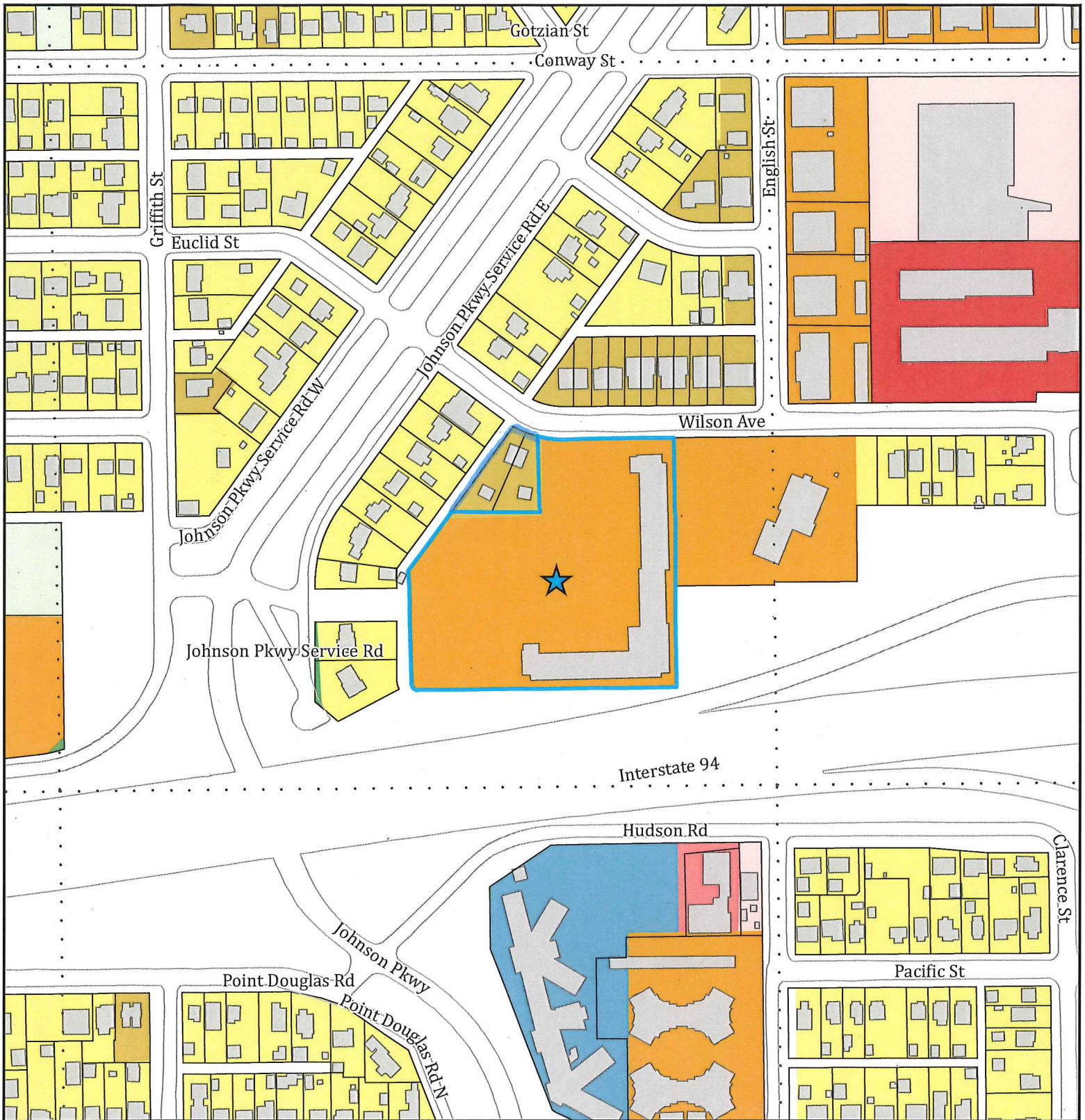
 Subject Parcels

FILE #: 16-009696 DATE: 2/10/2016

PLANNING DISTRICT: 4

ZONING PANEL: 17





FILE NAME: Wilson Ridge Apartments

APPLICATION TYPE: Rezone

FILE #: 16-009696

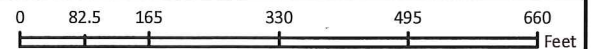
DATE: 2/10/2016

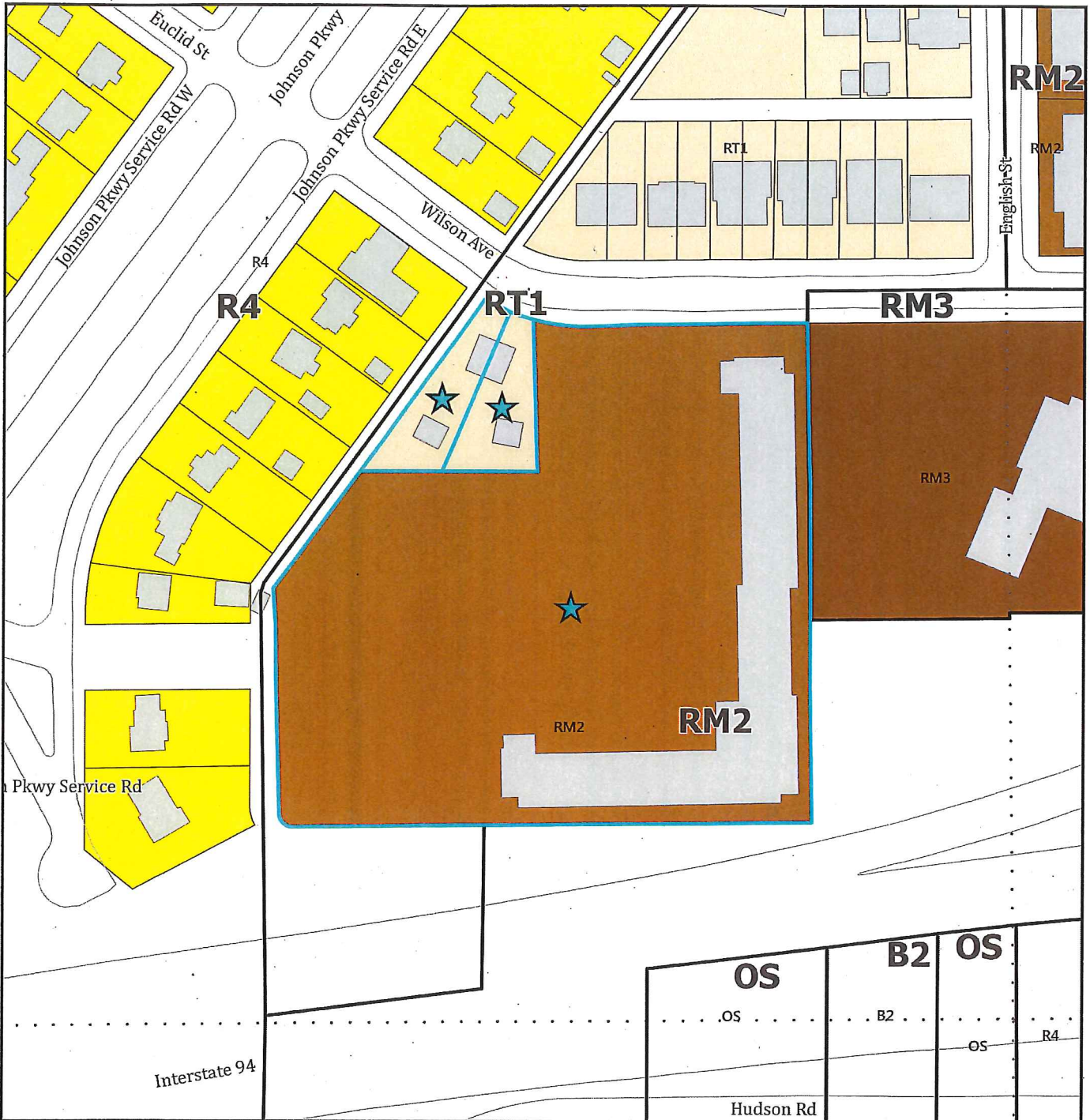
PLANNING DISTRICT: 4

ZONING PANEL: 17

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Commercial and Other
- Institutional
- Park, Recreational or Preserve
- Undeveloped
- Subject Parcels
- Section Lines





FILE NAME: Wilson Apartments

APPLICATION TYPE: Rezone

FILE #: 16-009696

DATE: 2/18/2016

PLANNING DISTRICT: 4

ZONING PANEL: 17

Zoning

- R4 One-Family
- RT1 Two-Family
- RM2 Multiple-Family
- RM3 Multiple-Family
- OS Office-Service
- B2 Community Business
- Subject Parcels

••• Section Lines