

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Waterford Bay **FILE #:** 19-037-931
  2. **APPLICANT:** Stoneleigh Companies LLC **HEARING DATE:** May 23, 2019
  3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
  4. **LOCATION:** 380 Randolph Ave, Island Station Site
  5. **PIN & LEGAL DESCRIPTION:** 122823420020, SECTION 12 TOWN 28 RANGE 23 PART OF NE 1/4 OF SW 1/4 & SE 1/4 OF NW 1/4 & PART OF SW 1/4 OF NE 1/4 OF SEC 12 TN 28 TN 23 LYING SLY OF SHEPARD RD, NLY OF MISSISSIPPI RIVER, ELY OF ELY LINE OF TRACT A OF RLS 441 EXT NLY & SLY & WLY OF A LINE DESC AS BEG AT
  6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** T2, FF, FW
  7. **ZONING CODE REFERENCE:** §§ 61.501; 61.601; 61.202(b); 68.401-404; 68.601; 72.32; 72.63; 72.64
  8. **STAFF REPORT DATE:** May 16, 2019 **BY:** Josh Williams
  9. **DATE RECEIVED:** May 7, 2019 **60 DAY DEADLINE FOR ACTION:** July 5, 2019
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- A. **PURPOSE:** Conditional use permit for a building height of 45' and for construction of a fire access road and storm sewers in the FW floodway. Variances for front yard setback >25', primary entrance location not in third of building closest to Randolph, and rehabilitation slopes >18%.
- B. **PARCEL SIZE:** Approx. 9.56 acres
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
  - North: Industrial (I2, I3)
  - East: Vacant (R4, FF)
  - South: Mississippi River
  - West: Park/Vacant (R4, FF, FW)
- E. **ZONING CODE CITATION:** §61.501 lists general requirements for all conditional uses; §61.601 lists the required findings for any variance; §61.202(b) authorizes the planning commission to grant variances when related to permits; §68.401-404 list development standards for the river corridor; §68.601 lists required findings for variances in the river corridor; §72.32 list factors to be considered in reviewing conditional use permit applications in the floodplain; §72.33 lists conditional uses in the FW floodway district; §72.64 lists standards for conditional uses in the FW floodway district.
- F. **PARKING:** Zoning Code § 63.207 requires off-street parking based on the number and size of multifamily units. The project proposer is finalizing those details at this time. Provision of the minimum number of off-street spaces will be a condition of site plan approval. The project proposer also intends to provide a limited amount of public parking for the proposed canoe/kayak access and existing trails.
- G. **HISTORY/DISCUSSION:** The property was previously the site of a coal-fired power plant, known as Island Station. In 2004, the property was rezoned to I2 industrial to T2 traditional neighborhood at the request of the property owner. In 2014, the former power plant was demolished. A number of proposals for reuse of the property have previously come before the Planning Commission, including most recently in 2014.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The Fort Road Federation/District 9 supports the proposed project.

**I. FINDINGS:**

1. The applicant is proposing a 3- and 4-story multifamily residential structure of approximately 200 market-rate units. The project will maintain public access and connect to existing trails and establish a public water access for kayaks and canoes. The project as proposed will require a conditional use permit (CUP) for building height (44'6" proposed, 35' allowed without CUP) and to allow extension of two storm water conveyance pipes and construction of an emergency access road, that will double as a trail, in the FW floodway. The project as proposed also requires variances of required front yard setback and placement of primary entrance in the T2 traditional neighborhood district and for rehabilitation slopes greater than 18% in the river corridor.
2. The project site, generally known as Island Station, has several constraints. An easement for overhead, high-voltage electricity transmission lines crosses the site, as does an easement for an underground gas line. The City of Saint Paul also has an easement to allow access to parkland to the west of the property which is otherwise inaccessible by land. Shepard Road runs along a bluff to the north of the property, and Randolph Avenue descends approximately 35' from the intersection with Shepard Road and the proposed vehicular ingress/egress point to the property, which is 2-3' higher than the buildable portion of the site.
3. The project proposer has completed a Saint Paul flood plain application and provided a no-rise analysis showing no increase to the height of the regional flood will result from the proposed project.

4. §72.64 lists standards that conditional uses in the FW floodway district must meet:

(a) *No structure (temporary or permanent), fill deposit (including fill for roads and levees), obstruction, storage of materials or equipment, or other use may be allowed that will cause an increase in the height of the regional flood or cause an increase in flood damages in the reach or reaches affected. The use shall not adversely affect the hydraulic capacity of the channel or floodway or any tributary to the main stream or of any ditch or other drainage facility or system. For Lake Phalen and Beaver Lake, compensating flood water storage volume shall be provided below the 100-year flood elevation for any obstruction placed in the floodplain.*

This standard is met. Although an access road/trail and storm sewers will be constructed in the floodway, the project will result in a net removal of soil from the floodway. The applicant has provided a no-rise certification verifying that the project will not cause an increase in the height of the regional flood.

(b) *Fill shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.*

This standard is met. The project requires a storm water pollution prevention plan (SWPPP), which addresses both construction and post-construction erosion prevention.

(c) *Accessory structures shall not be designed for human habitation.*

This standard does not apply.

(d) *Accessory structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters:*

(1) *Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and*

(2) *So far as practicable, structures shall be placed approximately on the same*

*flood flow lines as those of adjoining structures.*

This standard does not apply.

- (e) *Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classification in the Minnesota State Building Code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the Minnesota State Building Code, provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards:*

- (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;*
- (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and*
- (3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.*

This standard does not apply.

- (f) *The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited. Storage of materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission.*

This standard is met. The project does not propose storage of any materials in the floodway.

- (g) *Structural works for flood control that will change the course, current or cross-section of protected wetlands, or public waters shall be subject to the provisions of Minnesota Statutes, chapter 103.G. Structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.*

This standard is met. Not structural works for flood control are proposed.

- (h) *A levee, dike or floodwall constructed in the floodway shall not cause an increase to the regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.*

This standard does not apply.

- (i) *No use shall be permitted which is likely to cause pollution of waters, as defined in Minnesota Statutes, § 115.01, unless adequate safeguards, approved by the state pollution-control agency, are provided.*

This standard is met. The proposed use is not identified in Minn. Stat. § 115.01.

5. §72.73 lists factors to be considered in reviewing conditional use permit applications in the floodplain:

- (a) *The relationship of the proposed use to the comprehensive plan and floodplain management program for the city.*

The proposed use is consistent with the Saint Paul Comprehensive Plan and floodplain management program.

- (b) *The importance of the services provided by the proposed facility to the community.*

The proposed storm sewers and access road are needed to provide adequate drainage and to allow for emergency fire access.

- (c) *The ability of the existing topography, soils and geology to support and accommodate the proposed use.*

A power plant was previously located on the site.

- (d) *The compatibility of the proposed use with existing characteristics of biologic and other natural communities.*

The subject property was previously developed and is not in a natural state.

- (e) *The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination and unsanitary conditions.*

The property is served by the municipal water supply and sanitary sewer system, which have adequate capacity to serve the proposed development.

- (f) *The requirements of the facility for a river-dependent location, if applicable.*

The proposed development is not river-dependent. However, due to site constraints, the location of the proposed storm sewers and access road outside of the floodway is not feasible.

- (g) *The safety of access to the property for ordinary vehicles.*

There will be vehicular access to the property from existing public roads, and internal driveways will be elevated above the floodplain.

- (h) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.*

The proposed storm sewers and access road will be constructed of flood resistant materials. The property owner will be responsible for repairs of any flood damage.

- (i) *The dangers to life and property due to increased flood heights or velocities caused by encroachments.*

The proposed encroachments are very limited in nature, and will not impact flood heights.

- (j) *The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.*

The proposed storm sewers and access road will have minimal footprint, and will be located at the edge of the floodway, where floodway depth and floodwater velocities are generally reduced.

- (k) *The danger that materials may be swept onto other lands or downstream to the injury of others.*

The proposed storm sewers and access road are fixed infrastructure and very unlikely to be swept downstream.

- (l) *The availability of alternative locations or configurations for the proposed use.*

Due to their respective functions and site constraints, alternative locations for the proposed storm sewers and access road are limited.



*(m) Such other factors as are relevant to the purposes of this chapter.*

The proposed development is consistent with the purposes of the chapter.

6. §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.*

This condition is met. While the Comprehensive Plan does not directly address the proposed storm sewers and emergency access road, these are necessary to support the proposed project, and both the Comprehensive Plan and the Fort Road Federation/District 9 plan support the project, and the increased height of the development. The Land Use chapter identifies Island Station as an "Opportunity Site" for redevelopment. The Fort Road Federation/District 9 plan supports reuse of industrial and underutilized sites and supports higher density housing at appropriate locations. By providing for a public kayak/canoe landing and connecting to the regional trail system, the proposed project also supports the Fort Road Federation/District 9 plan goal to maintain and improve public access to the river. The project does not meet the plan's goal to provide new housing that is affordable across a variety of income levels.

*(b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

This condition is met. The proposed building will be accessed via a new driveway from Randolph Avenue, which has adequate capacity to accommodate the additional traffic generated by the development. The proposed storm sewers and emergency access road will not impact the public streets.

*(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.*

This condition is met. The project site is well separated from nearby properties, which have been developed for industrial uses, by both distance and grade. The storm sewers and emergency access road and designed to protect the health and safety of future residents of the proposed building and park users.

*(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

This finding is met. The proposed use is consistent with the permitted uses on surrounding properties.

*(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 variances for front yard setback, entrance location, and rehabilitation slopes greater than 18%.

7. §68.601 describes the criteria for variances in the river corridor:

*(a) Applications for variance to the provisions of this chapter may be filed as provided in section 61.600. The burden of proof shall rest with the applicant to demonstrate conclusively that such variance will not result in a hazard to life or property and will not adversely affect the safety, use or stability of a public way, slope or drainage channel, or the natural environment; such proof may include soils, geology and hydrology reports which shall be signed by registered professional engineers. Variances shall be consistent with the general purposes of the standards contained in this chapter and state law and the intent of applicable state and national laws and*

*programs. Although variances may be used to modify permissible methods of flood protection, no variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit a lesser degree of flood protection than required by state law.*

This finding can be met. The project proposer is required to install post-construction soil stabilization and establish vegetation on all altered surfaces. River corridor development standards (§68.401-404) also require the least possible disturbance of vegetation and soils. A requirement that construction include the least amount of grading and vegetation removal feasible and prompt stabilization of disturbed areas should be a condition of approval.

- (b) *Notwithstanding any other provision of this river corridor code, variances may be granted for the repair or rehabilitation of historic structures upon a determination that the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the variance is the minimum necessary to preserve the historic character and design of the structure and the repair or rehabilitation will not cause an increase in the height of the regional flood or increase the flood damage potential of the structure.*

This finding does not apply.

8. §61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. Front yard setback and building entrance location standards are intended to enhance the public realm and ensure good pedestrian access to buildings from public sidewalks, particularly in areas well-served by transit. The proposed project site is not located in an area served by transit nor near a high pedestrian sidewalk traffic area. Pedestrians and cyclists are more likely to be using the regional and local trail system, to which the proposed project will be well connected, to access the property. Rehabilitation slope requirements are intended to protect against soil instability and erosion. This intent can also be achieved through careful construction practices. A requirement that construction include the least amount of grading and vegetation removal feasible and prompt stabilization of disturbed areas should be a condition of approval.
- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The proposed project overall is consistent with the comprehensive plan, which identifies the project site as an "Opportunity Site" for redevelopment, and the proposed variances do not lessen this consistency.
- (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. Use of the site is constrained by multiple utility easements, an access easement, grade changes to the north of the property, and a rapid transition from upland to the floodway on the south and east of the property. To accommodate the multiple constraints, the building is set further back from the roadway, and oriented toward the only feasible access point to the property. It also requires steeper rehabilitation slopes to avoid placement of fill in the floodway.
- (d) *The plight of the landowner is due to circumstances unique to the property not*

*created by the landowner.* This finding is met. The hardship is created by the river location, preexisting easements, and the construction of the public roadway serving the site.

(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. The proposed use is allowed in the T2 traditional neighborhood district and in the RC4 river corridor urban diversified and FF flood fringe district. The proposed storm sewer conveyance pipes and emergency access road are conditional uses in the FW floodway district.

(f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The variances of setback and building entrance standards and to allow rehabilitation slopes greater than 18% are both consistent with the character of the surrounding area.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for a building height of 45' and emergency access road and storm sewers in the FW floodway district and approval of variances for front yard setback >25', primary entrance location not in third of building closest to Randolph, and rehabilitation slopes greater than 18%, subject to the following additional conditions:

1. Site plan approval. 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.
2. Construction shall include the least amount of grading and vegetation removal feasible and prompt stabilization of disturbed areas.



**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

Zoning Office Use Only

File #: 19-037931

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

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

*pd=9*

*# 122823420020*

**APPLICANT**

Name Stoneleigh Companies, LLC Email rswingruber@stoneleighcos.com  
 Address 760 W. Main St., Suite 140  
 City Barrington State IL Zip 60010 Daytime Phone 224-770-4606  
 Name of Owner (if different) \_\_\_\_\_  
 Contact Person (if different) Ryan Swingruber Phone 224-770-4606

**PROPERTY LOCATION**

Address/Location 380 Randolph Ave  
 Legal Description PIN: 122823420020  
 \_\_\_\_\_ Current Zoning T2  
 (attach additional sheet if necessary)

**TYPE OF PERMIT:**

Application is hereby made for a Conditional Use Permit under provisions of  
 Chapter \_\_\_\_\_, Section \_\_\_\_\_, Paragraph \_\_\_\_\_, 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.

Please see attached CUP request for two items:

- 1) Increased building height from 35' allowed in table 66.331 to 45' per footnote h which allows 45' with a CUP.
- 2) Development (fire department access trails, bike trails, landscaping and site improvements) within the floodway.

Required Site Plan is attached

Applicant's Signature

SVP J. Wohlreich

Date 05/02/2019 City Agent

*pd 5-2-19*



# CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS  
375 JACKSON STREET, SUITE 220  
ST. PAUL, MINNESOTA 55101-1806  
Phone: 651-266-8989 Fax: 651-266-9124  
Visit our Web Site at [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## ZONING VARIANCE APPLICATION

File Number (office use only)

### ZONING VARIANCE APPLICATION

#### Applicant Contact Information

Name:	Stoneleigh Companies, LLC	Email:	rswingruber@stoneleighcos.com	Phone:	224-770-4606
Address:	760 W. Main St., Suite 140				
City, State, Zip:	Barrington, IL 60010				
Property interest of applicant (owner, contractor, purchaser, etc.):	purchaser				
Property owner (if different):					

#### Subject Property Information

Address:	380 Randolph Ave				
Legal Description:	PIN: 122823420020				
Lot size:	10.96	Existing use:	Proposed use: <small>Multifamily Apartment</small>	Zoning District: T2	Planning District:

Please select the type(s) of variance or review being requested and a brief description of the project:

<input type="checkbox"/> Lot Area	<input type="checkbox"/> Separation from Specific Uses
<input checked="" type="checkbox"/> Setbacks (please specify: <u>front</u> side / rear)	<input checked="" type="checkbox"/> Design Standards
<input type="checkbox"/> Density	<input type="checkbox"/> Off-street Parking
<input type="checkbox"/> Floor Area Ratio (FAR)	<input type="checkbox"/> Signage (requires additional application)
<input type="checkbox"/> Height	<input type="checkbox"/> Lot Coverage
<input type="checkbox"/> Sidewall Articulation (Districts 14 & 15)	<input type="checkbox"/> Administrative Review

#### Applicant Signature

Signature:		Date:	05/02/2019	Received by:
	SVP J. Wohlreich			

Stoneleigh Development, LLC: Waterford Bay  
380 Randolph Ave

**Conditional Use Permit requests:**

**Height:**

The applicant requests a CUP up to 45' to exceed the allowed building height of 35' allowed by right in table 66.331 for T2 zoning (according to footnote h). This height increase is requested based on a number of constraints on this site that are not within the owner's control. Much of level 1 is enclosed parking since below grade parking is not feasible or a sound idea based on proximity to the river and potential for below grade spaces to become inundated with water. This effectively pushes the building out of the ground an additional level where the applicant would otherwise be able to work within the 35' allowed height. In addition to groundwater concerns, there are also concerns about contaminated soil left behind from the former power plant that deter excavation of the site to limit building height. There are multiple easements on the site including city access and Xcel gas & electric easements which further limit development and put constraints to expanding the building footprint (area in lieu of height) on the site. Additionally, the developer has voluntarily worked with interested groups like Friends of the Mississippi which increased the setback along the river from 50' to 100' further reducing buildable area and necessitating this request for the conditional use permit to allow building height up to 45' (as measured to the roof deck, parapets extend an additional 2' to 4').

**Development in floodway:**

The applicant requests a CUP for development within the floodway. No new buildings are proposed within the existing floodway. However, grading for a fire lane/trail is required for circulation around the building. Additional landscaping, stormwater, and site improvements are planned within the portion of the floodway that juts to the north. This floodway line as taken from FEMA does not closely follow the existing terrain as it may have been derived from older less accurate information than our current survey.

**Variance Requests:**

The applicant requests a variance for exceeding the maximum front yard setback under the dimensional standards in section 66.331 for Traditional Neighborhoods. The multi-family front yard is to be 10-25 feet. Currently the project is situated such that the north eastern corner is approximately 41' from the property line and 90' on the northwest corner as the property line curves up and to the north.

The main reason for this variance request is an existing easement in place along this northern edge of the property (to allow the city access to the property to the west). The easement does not allow development within this 10' – 25' setback from the property line (current easement encroaches 50' to 66' from property line). Additionally, the north elevation does not functionally or practically serve as the front elevation. Existing grade/topography of the site and existing vegetation do not allow for a reasonable connection to street on this side that would make this a functional front elevation (and associated front yard). Beyond maintaining the city easement and practicalities of the site, a fire department access road is proposed to provide safety around the site and requires variation from the required setback.

Stoneleigh Development, LLC: Waterford Bay  
380 Randolph Ave

The project is orientated to be generally perpendicular to the river with the main entrance facing the Mississippi River inlet on the east side of the property. The North side along Randolph Ave for which the front yard setback would apply has existing grade from approximately 712 at the existing site entrance (to be re-used) rising up to an elevation of approximately 728. Furthermore, the Mississippi river on the south side does not provide access for fire department vehicles nor is there access from streets on the east or west side (there are no streets perpendicular to Randolph Ave) so the site provides fire department access around the building within the site.

- 1) The Variance is in harmony with the general purposes and intent of the zoning code. The variance request does not require deviation from the intent of the zoning code. There are no other established front yards on Randolph adjacent to this property to reinforce and none can be developed in the future due to topography on the west and the river inlet on the east. The increase of setback will not adversely affect any existing conditions and will improve safety by allowing fire department access around all sides of the project.
- 2) The Variance is consistent with the comprehensive plan. The great river passage master plan does not treat Randolph as the front yard of this site. The greater vision for this site is how it relates to the river. The proposed project primarily faces the river inlet to the east as well significant orientation to the river on the south and west sides.
- 3) There are practical difficulties complying with the provision and the property owner proposes to use the property in a reasonable manner not permitted by the provision. Maintaining the existing easement is the primary reason for this variance request. The north elevation does not functionally or practically serve as the front elevation (to which front yard requirements would apply). Beyond these limitations keeping this elevation from being treated as the front, the variation from the front yard setback is required to provide the fire department access road to provide safety around the site (site access is limited from multiple sides) and maintain existing city easement access across the north side of the property.
- 4) The plight of the landowner is due to circumstances unique to this property and the circumstances were not created by the landowner. The existing property has a number of easements (city of St. Paul, Xcel gas & electric easement) that significantly reduce buildable area and limit the extents of construction to a significantly smaller area than the overall site would suggest. Specifically, the easement for City of St. Paul access does not allow building within approximately 50 feet from the property line on the east and 66 feet on the west.
- 5) The variance, if granted, will not permit any use that is not allowed in the zoning district where the affected land is located. The proposed use (multi-family apartment building) is allowed within the T2 zoning.
- 6) The variance will not alter the essential character of the surrounding area. The differences in 'front yard' setbacks will not alter the essential character of the surrounding area.

Stoneleigh Development, LLC: Waterford Bay  
380 Randolph Ave

The applicant requests a variance from the primary front entrance requirement (Design Standard #12) under section 66.343 in the zoning code for Traditional Neighborhood design standards. For the reasons stated for variance from the front setback requirement (existing easement pushes building from Randolph; existing topography & vegetation do not allow for natural entrance from street; as well as requirement for fire department access around the site), the north elevation is not considered the front yard and therefore, the front entrance is not on the north, but rather on the east side along the primary access to the building.

- 1) The Variance is in harmony with the general purposes and intent of the zoning code. While the intent of traditional neighborhood zoning may be to relate to other existing front yards and entrances oriented in a similar manner, there is no adjacent development on neighboring properties to reinforce existing neighborhood fabric. Therefore, the proposal to move the front entrance is not in conflict nor does it diminish existing development or street activity.
- 2) The Variance is consistent with the comprehensive plan. The great river passage master plan does not treat Randolph as the front yard of this site. The greater vision for this site is how it relates to the river and is connected to trails moving thorough the site. The proposed project primarily faces the river inlet to the east with secondary orientation the river on the south side (and west). This proposed entrance orientation is not in conflict with the comprehensive plan
- 3) There are practical difficulties complying with the provision and the property owner proposes to use the property in a reasonable manner not permitted by the provision. Randolph Avenue is the only adjacent street, but it does not functionally define the front yard. The practical functionality of the site (grade change and existing vegetation) create a barrier to the northern elevation acting as the 'front' and that is the primary reason for this request. The front entrance is proposed on the east elevation to relate to the predominate flow of pedestrian and vehicle movement and to allow for better natural sightlines for increased visibility and safety. In order to primarily orientate the building perpendicular to the river; work with the Great River Passage Master plan and avoid other easements the primary elevation and functional front of the building is the east elevation facing the Mississippi inlet. The multiple existing easements also create practical changes for locating the front entrance.
- 4) The plight of the landowner is due to circumstances unique to this property and the circumstances were not created by the landowner. The existing topography and vegetation create the primary condition that does not allow easy access from the street to the north elevation as the front entrance. See also the practical difficulties in item #3.
- 5) The variance, if granted, will not permit any use that is not allowed in the zoning district where the affected land is located. The proposed use (multi-family apartment building) is allowed within the T2 zoning.
- 6) The variance will not alter the essential character of the surrounding area. The location of the front entrance on the east elevation will not alter the essential character of the surrounding area—there are no existing or anticipated future front entrances on Randolph Ave.



Stoneleigh Development, LLC: Waterford Bay  
380 Randolph Ave

The applicant requests a variance from steep slopes referenced in Section 68.402. The existing terrain for the site is mostly less than 12% except for portions along the backwater area and near the remaining water intake screening building. A portion of the steep slopes near the river are also created by an existing concrete retaining wall that is a remnant of the old power plant. The steep slopes near the backwater area will be extended up due to the building being raised up on fill and also to provide the required compensatory storage area.



SHEET

A20

STONELEIGH - WATERFORD BAY

ST. PAUL, MN

APRIL 26<sup>TH</sup> 2019

PERSPECTIVE VIEWS

**JBKV**  
GROUP





STONELEIGH - WATERFORD BAY

ST. PAUL, MN

APRIL 26<sup>TH</sup> 2019

PERSPECTIVE VIEWS

SHEET

A21

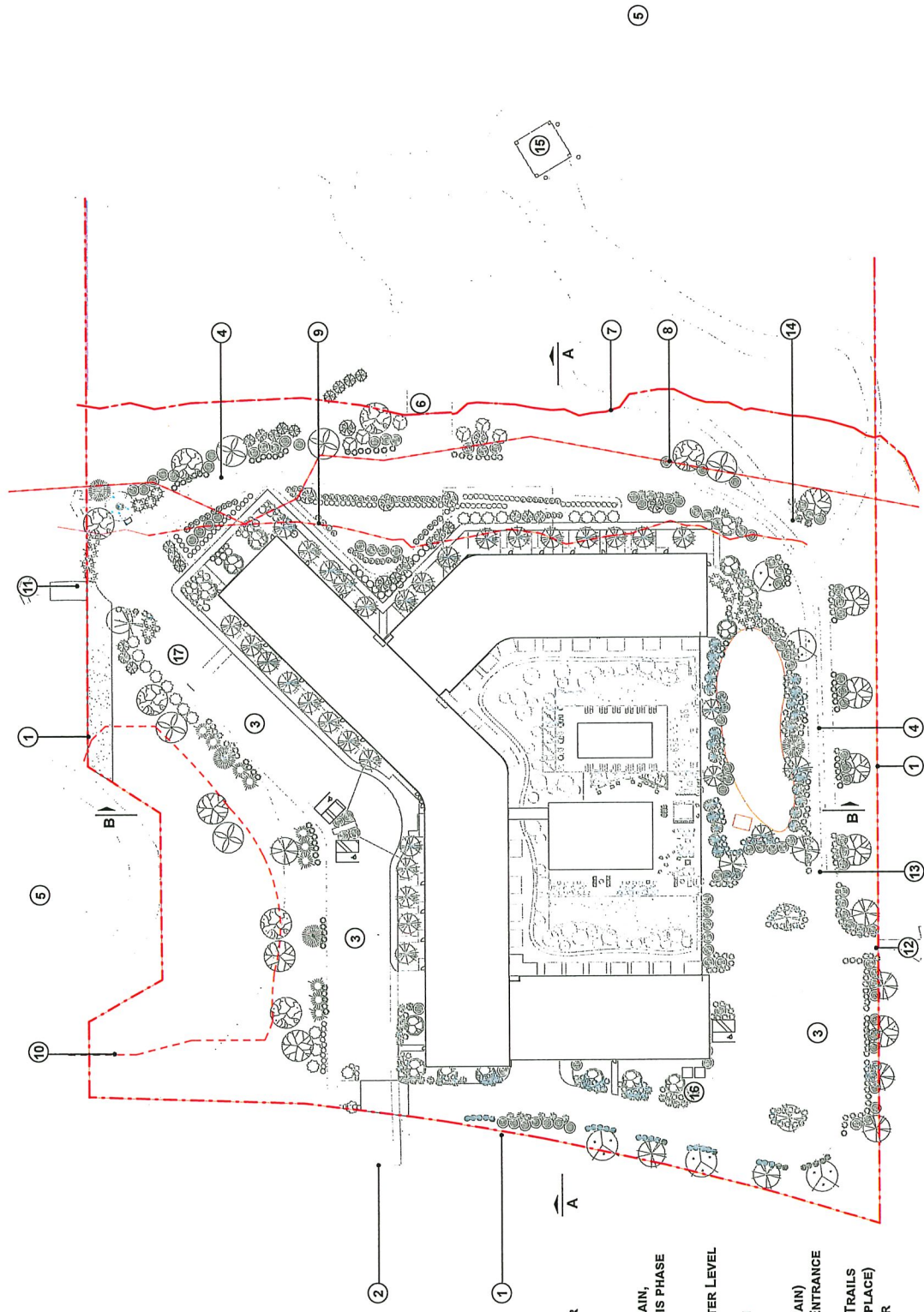
**JBKV**  
GROUP











1. PROPERTY LINE
2. SITE ENTRY
3. ON SITE PARKING ( SEE CIVIL FOR LAYOUT DIMENSIONS)
4. FIRE ACCESS / BIKE PATH
5. MISSISSIPPI RIVER
6. EXISTING SCREEN HOUSE TO REMAIN, DEVELOPMENT IS NOT PART OF THIS PHASE
7. ORDINARY HIGH WATER LEVEL
8. FEMA FLOODWAY
9. 100' OFFSET ORDINARY HIGH WATER LEVEL
10. PROPOSED OHWL
11. POTENTIAL ACCESS TO TRAILS ON THE PENINSULA
12. ACCESS EASEMENT FOR CITY (EXISTING ACCESS POINT TO REMAIN)
13. REMOVABLE BOLLARD AT TRAIL ENTRANCE FOR VEHICLE ACCESS
14. ACCESS TO XCEL MAINTENANCE TRAILS (EXISTING TRAILS TO BE LEFT IN PLACE)
15. XCEL TRANSMISSION LINE TOWER
16. TRANSFORMER
17. PARK PATRON PARKING



We hereby certify that this is a true and correct copy of the survey as shown on the map of the land above described and of the location of all buildings, if any, from an old land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

By: **Mark S. Hansen, R.L.S.** Minn. Reg. No. 15480  
**Sunde Land Surveying, LLC** dated July 26, 2022.

**Access Easement (can shift somewhat) needs to be maintained for city access to storm outlet**

**Access Easement needs to be maintained for water/tower**

**existing property line**

**PROPERTY DESCRIPTION:**  
 (Per Old Republic National Title Insurance Company Commitment for Title Insurance Application No. 200202204, effective date July 16, 2022, as to Abstract Property and May 7, 2022, as to Torrens Property.)  
 Parcel 1: Registered Land Survey No. 441, as amended by Order in Court File No. C1-99-7889, Document No. 1502024, File of Registrar of Titles, County of Ramsey.  
 Being registered land as evidenced by Certificate of Title No. 334725.

Parcel 2: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 3: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 4: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 5: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 6: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 7: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 8: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 9: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

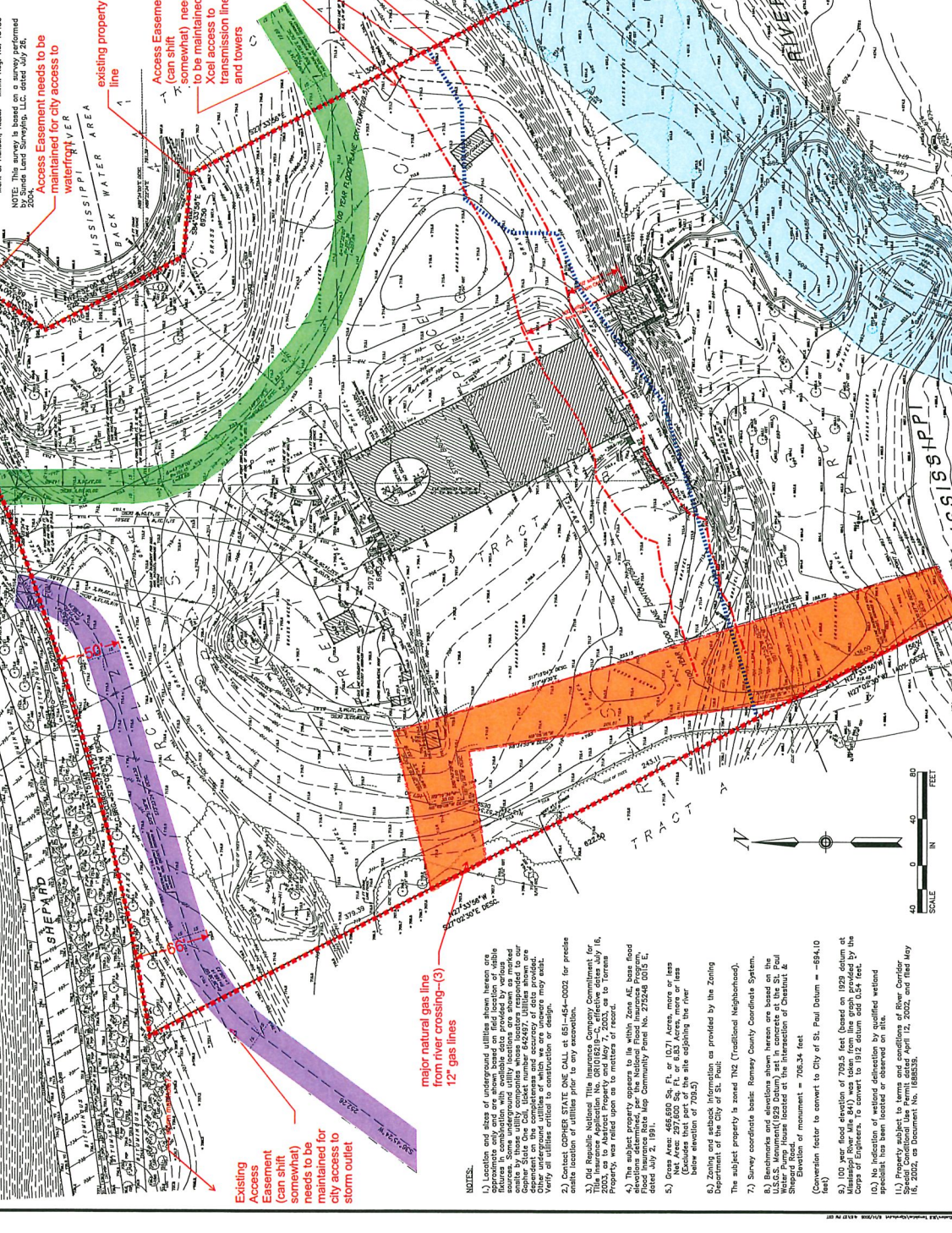
Parcel 10: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 11: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 12: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 13: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.

Parcel 14: Section 12, Township 28 North, Range 23 West, of the Fourth Principal Meridian that commencing at the Northwest corner of said Section 12; thence South 0 degrees 02 minutes East, a distance of 303.0 feet to the point of beginning of the West line of said Northeast Quarter, a distance of 13.26 feet to the point of beginning of the line to be described; thence Southwesterly along a line bearing S 71 degrees 51 minutes 48 seconds and a radius of 2282.3 feet for 375.39 feet; thence North 13 degrees 24 minutes East, a distance of 672.7 feet; thence North 59 degrees 02 minutes East, a distance of 303.0 feet; thence North 77 degrees 30 minutes 01 second East, a distance of 70.26 feet; thence North 32 degrees 24 minutes East, a distance of 68.22 feet; thence North 25 degrees 57 minutes East, a distance of 173.51 feet to the point of beginning, according to the United States Government Survey thereof and abstract in Ramsey County, Minnesota.



**LEGEND**

- CB Denotes catch basin
- CM Denotes compressed metal pipe
- EM Denotes electric meter
- GAS Denotes gas valve
- GN Denotes gas meter
- GP Denotes gas pipe
- HYD Denotes fire hydrant
- MC Denotes manhole
- MS Denotes manhole
- SE Denotes electric line
- SP Denotes storm sewer
- ST Denotes storm sewer manhole
- SW Denotes storm sewer
- TS Denotes storm sewer manhole
- UB Denotes underground electric line
- USE Denotes underground electric line
- W Denotes water line
- WH Denotes water manhole
- WT Denotes water tower
- SS Denotes sediment sampling location
- COT Denotes Cottonwood tree
- H Denotes Hardwood tree
- L Denotes Live tree
- D Denotes Dead tree

**EXISTING SITE CONSTRAINTS EXHIBIT**

**380 RANDOLPH AVE.**

Symbol	Description	Date
△	Survey change	12/15/2022
△	Survey change	11/15/2022
△	Survey change	11/09/2022
△	Survey change	11/02/2022
△	Survey change	11/29/2022
△	Survey change	11/29/2022

**SURVEY FOR**

**ST. PAUL RIVER WALK, LLC**

**Sunde**  
 Land Surveying, LLC  
 1818 West 12th Street, Suite 100  
 Minneapolis, MN 55425-3603  
 Phone: 612-338-7278  
 Fax: 612-338-7279  
 Email: info@sundesurveying.com  
 Website: www.sundesurveying.com

Sheet: 1 of 1

**NOTES:**

- Location and sizes of underground utilities shown herein are based on utility records and field verification. Utility locations are shown as provided by various utility companies. Utility locations shown are not guaranteed by Sunde Land Surveying, LLC. Utility owners are advised to verify utility locations and depths prior to construction or design.
- Contact COMBUSTIBLE STATE ONE CALL at 866-444-0002 for precise location and depth of underground utilities.
- Old Republic National Title Insurance Company Commitment for Title Insurance Application No. 200202204, effective date July 16, 2022, as to Abstract Property and May 7, 2022, as to Torrens Property.
- The subject property appears to fit within Zone AE based on flood elevations determined per the National Flood Insurance Program. Flood elevation is 705.5 feet. The subject property is located below elevation of 705.5 feet.
- Close Area: 468,690 Sq. Ft. or (10.7) Acres, more or less. Net Area: 297,600 Sq. Ft. or 6.83 Acres, more or less. The subject property is located below elevation of 705.5 feet.
- Zone and setback information as provided by the Zoning Department of the City of St. Paul, (Traditional Neighborhood).
- The subject property is zoned TN2 (Traditional Neighborhood).
- Survey coordinates based on Ramsey County Coordinate System, NAD 83.
- Elevations and distances shown herein are based on the Mississippi River Mean Sea Level datum and the National Geodetic Survey datum. Elevation of monument = 705.34 feet. (Conversion factor is convert to City of St. Paul Datum = -84.10 feet)
- 100 year flood elevation of 709.5 feet (based on 1929 datum at Mississippi River Mile 841) was taken from the map provided by the Corps of Engineers, (to convert to 1912 datum add 0.67 feet).
- Property subject to terms and conditions of River Corridor Special Condition Use Permit dated April 12, 2022, and filed July 16, 2022, as Document No. 1688535.





FILE #19-036949 | AERIAL MAP  
**Application of Stoneleigh Companies LLC**

Application Type: CUP with Variance  
Application Date: May 2, 2019  
Planning District: 9

**Subject Parcel Outlined in Blue**



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.





FILE #19-036949 | LAND USE MAP  
**Application of Stoneleigh Companies LLC**

Application Type: CUP with Variance  
 Application Date: May 2, 2019  
 Planning District: 9

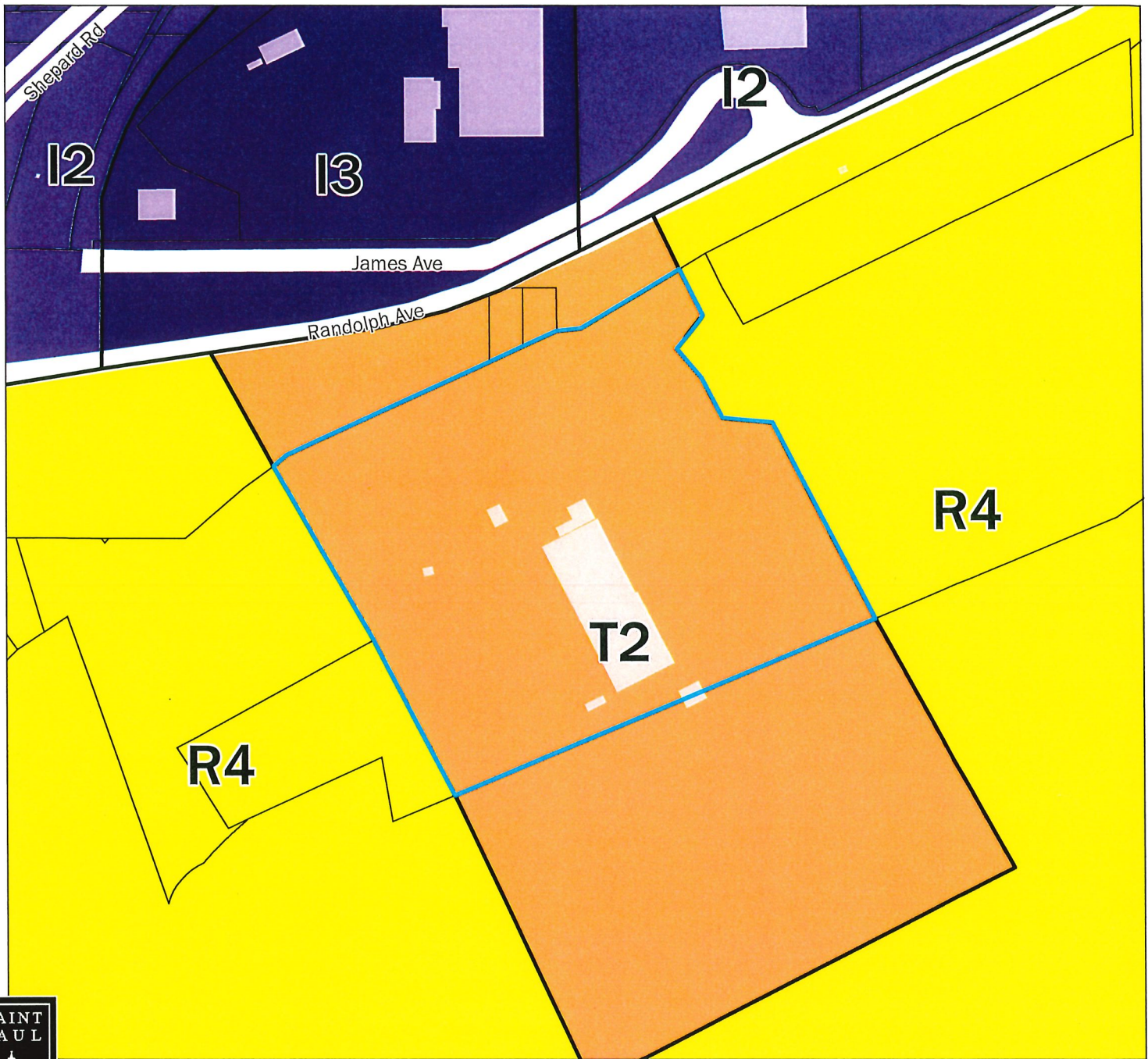


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**Subject Parcel Outlined in Blue**

- |                           |                                |                                |              |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead                 | Office                         | Extractive                     | Airport      |
| Seasonal/Vacation         | Retail and Other Commercial    | Institutional                  | Agricultural |
| Single Family Detached    | Mixed Use Residential          | Park, Recreational or Preserve | Undeveloped  |
| Manufactured Housing Park | Mixed Use Industrial           | Golf Course                    | Water        |
| Single Family Attached    | Mixed Use Commercial and Other | Major Highway                  |              |
| Multifamily               | Industrial and Utility         | Railway                        |              |





FILE #19-036949 | ZONING MAP

# Application of Stoneleigh Companies LLC

Application Type: CUP with Variance  
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 Planning District: 9



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**Subject Parcel Outlined in Blue**

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction