



ZONING APPEAL APPLICATION

To/From Board of Zoning Appeals

Dept. of Safety & Inspections
Zoning Section
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
(651) 266-9008

To / From Planning Commission

Dept. of Planning & Econ. Devt.
Zoning Section
1400 City Hall Annex, 25 W 4th St.
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only
File # 24-033509
Fee Paid \$ 462.00
Received By / Date D. Eide - 5/2/2024
Tentative Hearing Date 5/15/2024

APPELLANT

Name(s) Snelling-Midway Redevelopment, LLC
Address 730 Second Avenue, Suite 1450 City Minneapolis State MN Zip 55402
Email bjp@kskpa.com Phone (612) 904-5607

PROPERTY LOCATION

Project Name United Village Pavilion Restaurants
Address / Location 1566 University Avenue West (Temporary Address - NW corner of Simpson & Shields)

TYPE OF APPEAL: Application is hereby made for an appeal to the:

- Board of Zoning Appeals**, under provisions of Zoning Code § 61.701(c), of a decision made by the Zoning Administrator.
- Planning Commission**, under provisions of Zoning Code § 61.701(c), of a decision made by the Planning Administrator or Zoning Administrator.
- City Council**, under provisions of Zoning Code § 61.702(a), of a decision made by the Board of Zoning Appeals or the Planning Commission.

Date of decision April 29, 20 24 File Number 24-023545

GROUND FOR APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission or Board of Zoning Appeals. Attach additional sheets if necessary.

Please see attached narrative and exhibits.

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Appellant's Signature *Bruce J Parker* Date *May 2, 2024*

LAW OFFICES

KAPLAN, STRANGIS AND KAPLAN, P.A.

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RALPH STRANGIS
(1936-2018)

May 2, 2024

Saint Paul Department of Safety and Inspections – Zoning
375 Jackson Street, Suite 220, St Paul, MN 55101
St. Paul, MN 55101
Attention: Zoning Appeals

Re: Notice and Statement of Grounds for Appeal of Certain Decisions of the Saint Paul Board of Zoning Appeals for Proposed Pavilion Restaurant, Zoning File # 24-023545 at 1566 University Avenue West (Temporary Address - NW corner of Simpson & Shields) as Part of United Village Phase I

Ladies and Gentlemen:

On behalf of Snelling-Midway Redevelopment, LLC (“SMR”), we submit this appeal pursuant to the provisions of Zoning Code § 61.702(a) of a decision made by the Board of Zoning Appeals on April 29, 2024 in regard to the denial of following two variances requested by SMR for the proposed pavilion restaurant as Part of United Village Phase I, Zoning File #24-023545 at 1566 University Avenue West (Temporary Address - NW corner of Simpson & Shields):

Denial of Variance Request for window and door opening percentage (19.6%) on northern façade along Spruce Tree Avenue.

Denial of Variance Request to omit primary pedestrian entrance on northern façade along Spruce Tree Avenue.

This appeal is being electronically delivered on the date above to the Saint Paul Department of Safety and Inspections – Zoning via email to David.Eide@ci.stpaul.mn.us with a copy to ZoningReview@ci.stpaul.mn.us as well as staff in the Department of Planning and Economic Development with whom SMR is working on the United Village Phase I project. The filing fee for this appeal in the amount of \$462 is being separately transmitted to the City of Saint Paul.

I. Background – United Village Phase I

United Village Phase I is the initial redevelopment project contemplated under the 2016 Master Plan for the Snelling-Midway Superblock¹ following completion of the MLS professional soccer stadium in the southern part of the Superblock in 2019. Phase I consists of the following key elements that are expected to be the catalyst for further redevelopment in the Superblock:

- **Hotel with adjacent structured parking garage:** A hotel with approximately 158 hotel rooms, restaurant and meetings spaces with adjacent structured parking.
- **Commercial Office/Retail Building with adjacent temporary parking:** A 4-story commercial building with limited below-grade parking, retail and food and beverage services on Level 1, and office space above. It includes adjacent interim open space parking that can be available for community use on weekends.
- **Pavilion Restaurants:** Two (2) pavilion style restaurant spaces overlooking the Great Lawn (completed with Allianz Field). The label for the Pavilion Restaurants is in blue on Attachment 1. The Pavilion Restaurants are the subject of this Appeal.
- **Sculpture Plaza:** A Privately Owned Public Space (POPS) that will feature an iconic sculpture by an internationally known artist on the southeast corner of Snelling and University Avenues, the most prominent part of the Superblock.
- **All Abilities Playground:** Another Privately Owned Public Space (POPS) featuring an all-abilities playground across Simpson Street from Allianz Field.

Additional public infrastructure is also included to support these elements of United Village Phase I. A diagram of the Superblock with the location and scale of these elements is included as Attachment 1. Attachment 2 is a rendering of the view from Allianz Field looking north across the Great Lawn showing the easterly corner of the Office/Retail Building on west side of the Great Lawn, the Hotel and large open space on the south side of the hotel and adjacent Structured Parking to the north of the Great Lawn, and the Pavilion Restaurants to the east of the Great Lawn.

This Appeal relates to denial by the Board of Zoning Appeals of two variances requested for the northern most restaurant in the Pavilion Restaurants. Attachment 3 is a floor plan of the Pavilion Restaurants. SMR, the developer of United Village, was previously before the City Council in connection with its appeal of three decisions by the Planning Commission relating to the hotel with structured parking. All variances requested by SMR for United Village Phase I have now been received for the project to proceed except for the denial of the two variances that are the subject of this appeal.

¹ The Snelling-Midway Superblock or Superblock is the 34.4 acre site bounded by Snelling Avenue to the west, University Avenue to the north, Pascal Street to the east and St. Anthony Boulevard to the south in the Midway area of Saint Paul.

II. Standards to be Considered for Variances to the Zoning Code Sec. 61.601. Variances.

The board of zoning appeals and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. 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.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
6. The variance will not alter the essential character of the surrounding area.

III. Application of the Standards to the Denial of Variance for Window and Door Opening Percentage (19.6%) on Northern Façade along Spruce Tree Avenue

City Council Resolution 23-1442 requires that all new commercial buildings have window and door openings that comprise at least 30 percent of the area around the ground floor along street facing facades and the northern restaurant in the Pavilion Restaurants only has 19.6%. The City Staff report found that all conditions for granting the requested variance were satisfied other than (i) condition #3 (“However, staff believe that it is possible to add a primary pedestrian entrance on the northern façade of the northern restaurant building, similar to the door on the southern entrance of the southern building into the dining room. Staff do not believe that there are practical difficulties in complying with the provision for this request.”) and (ii) condition #4 (“Staff believe that the plight is self-created for the primary pedestrian entrance along Spruce Tree Avenue, as the dining room abuts this side of the building, where an entrance could be included.”). In denying, SMR’s request for this variance the Board of Zoning Appeals apparently found the Staff Report persuasive regarding the failure to meet these two conditions.

SMR respectfully submits that the conditions #3 and #4 for this variance request are met for the northern restaurant in the Pavilion Restaurants and the variance requested for window and door opening percentage of approximately 19.6% on north façade along Spruce Tree Avenue should be granted. The variances being requested all relate to the orientation of the two Pavilion Restaurants toward the central lawn in the middle of the superblock called the Great Lawn that was planned and constructed when Allianz Field was built. As shown in Attachment 3 (the floor plan for the Pavilion Restaurants), there is an expansive pedestrian walkway or muse between the two restaurants leading to or from the Great Lawn with wide entrances into each restaurant from this central muse. The design and orientation of the northern most restaurant intentionally

creates a service area along this north wall. If it were not here it would transfer that issue elsewhere and interrupt the orientation toward the Great Lawn. The interior north wall of this restaurant is planned to have a mural treatment along the entire wall. The requirements for windows or a door would interrupt the pictorial display and essentially prevent the mural. The Pavilion Restaurants were specifically designed to meet the following important public policy considerations: Policy LU-9 in the land use chapter of the comprehensive plan calls for promoting high-quality urban design that supports pedestrian friendliness and a healthy environment and enhances the public realm. Policy LU-10 calls for activating streetscapes with active first floor uses, street trees, public art, outdoor commercial uses and other uses that contribute to a vibrant street life. Policy LU-28 supports pedestrian-friendly streetscapes and visual interest through commercial building design. for and the overall design surrounding it. The mural planned for the inside of entire north wall enhances the views of pedestrians strolling along the walkway between the two restaurants and as a backdrop to the service area in front of the mural. Adding a doorway or entrance in the north wall will disrupt the mural and the visual effect that it is intended to create both for patrons in the restaurant and pedestrians strolling along the muse between the restaurants. Such a doorway would require a vestibule/airlock entrance that would definitely create an undue hardship by affecting the layout and function as well as reducing capacity of this restaurant.

IV. Application of the Standards to the Denial of Variance to Omit Primary Pedestrian Entrance on Northern Façade along Spruce Tree Avenue

Both the City Staff report to the Board of Zoning Appeals and the Board of Zoning Appeals cite City Council Resolution 23-1442 requiring all new buildings have a primary pedestrian building entrance on street facing facades. The City Staff report found that all conditions for granting the requested variance were satisfied other than condition #3 and condition #4 for the same reasons discussed in Part III above. In denying, SMR's request for this variance the Board of Zoning Appeals apparently found the Staff Report persuasive regarding the failure to meet these two conditions.

For the above reasons set forth in Part III above, SMR respectfully requests that all condition for the grant of the variance request to omit a primary pedestrian entrance on the north facade of the northern restaurant along Spruce Tree Avenue are satisfied and the variance should be granted. Adding a primary pedestrian entrance on the north side of the northern Pavilion Restaurant would require a vestibule/airlock entrance that would definitely create an undue hardship by affecting the layout and function as well as reducing capacity of this restaurant.

VI. Summary

The two variances denied by the Board of Zoning Appeals should be granted because:

- The Pavilion Restaurants design and orientation intentionally create a service area along this north wall of the northern restaurant which is the smaller of the two restaurants. If it were not there it would transfer that issue elsewhere and interrupt the orientation toward the great lawn.

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- The interior north wall of the northern restaurant is planned to have a mural treatment along the entire wall. The requirements for windows or a door would interrupt the pictorial display and essentially prevent the mural.
- The exterior perspectives of the building need to consider the actual viewshed. When standing on Spruce Tree Avenue, a pedestrian's view looking south across the one-story restaurants will see the impressive Allianz Field in back of it and the Great Lawn to the side of the restaurants.
- The building orientation and access for the northern restaurant is intentional from the west (lawn) and south (central walkway) and requiring this access on the north is redundant and changes the intended design effect.
- Also, the main access to both restaurants is a wide walkway or pedestrian muse that encourages pedestrians to walk between the two restaurants on the way to one of them or through the muse to the central Great Lawn and from there to Allianz Field to the south or toward the new hotel and its large open space on the north side of Spruce Tree Avenue.

In conclusion, SMR respectfully submits to the City Council that the overall design of the Pavilion Restaurants has been carefully considered relative to both operational and aesthetic points that will result in a vibrant restaurant and leisure environment for visitors – a reality that is the cornerstone of any hospitality business plan. The restaurants are purposefully designed to open to the unique combination of public parks featuring grass, trees and art, as well as overlook one of the most aesthetically beautiful and extensively awarded sports venues in North America. Given a relatively small footprint, the layout requires some closed areas for food preparation, equipment and storage. This is provided in the design and preserves the dynamic indoor as well as outdoor art, fully integrated environmental elements, and customer-friendly spaces that are among United Village's goals for the long-term success and community enhancement.

SMR appreciates the consideration of the City Council for SMR's request that the two variances for the Pavilion Restaurants denied by the Board of Zoning Appeals should be granted for the reasons stated above as the variances are needed for the Pavilion Restaurants to be an integral part of the first phase of United Village for SMR to proceed.

Thank you for your consideration.

Sincerely,



Bruce J. Parker

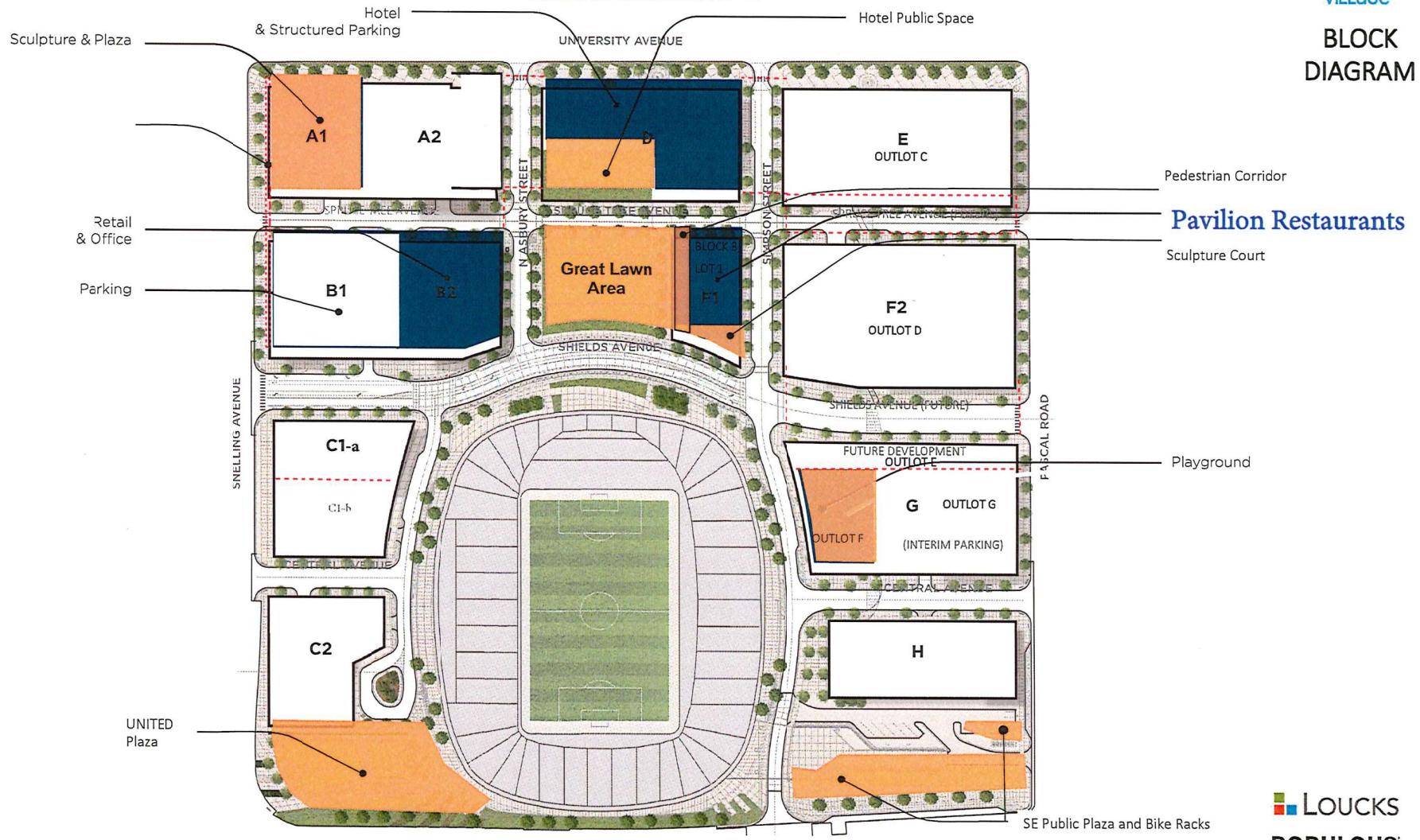
Attachments:

- Attachment 1 – Block Diagram of the Snelling-Midway Superblock showing the Improvements included in United Village Phase I with Pavilion Restaurants Label in **Blue**
- Attachment 2 – Rendering of the view from Allianz Field looking north across the Great Lawn showing the easterly corner of the Office/Retail Building on west side of the Great Lawn, the Hotel and large open space on the south side of the hotel and adjacent Structured Parking to the north of the Great Lawn, and the Pavilion Restaurants to the east of the Great Lawn
- Attachment 3 – Floor Plan of the Pavilion Restaurants

ATTACHMENT 1



BLOCK DIAGRAM



ATTACHMENT 2

Rendering of United Village Phase I



2024-03-25

ATTACHMENT 3

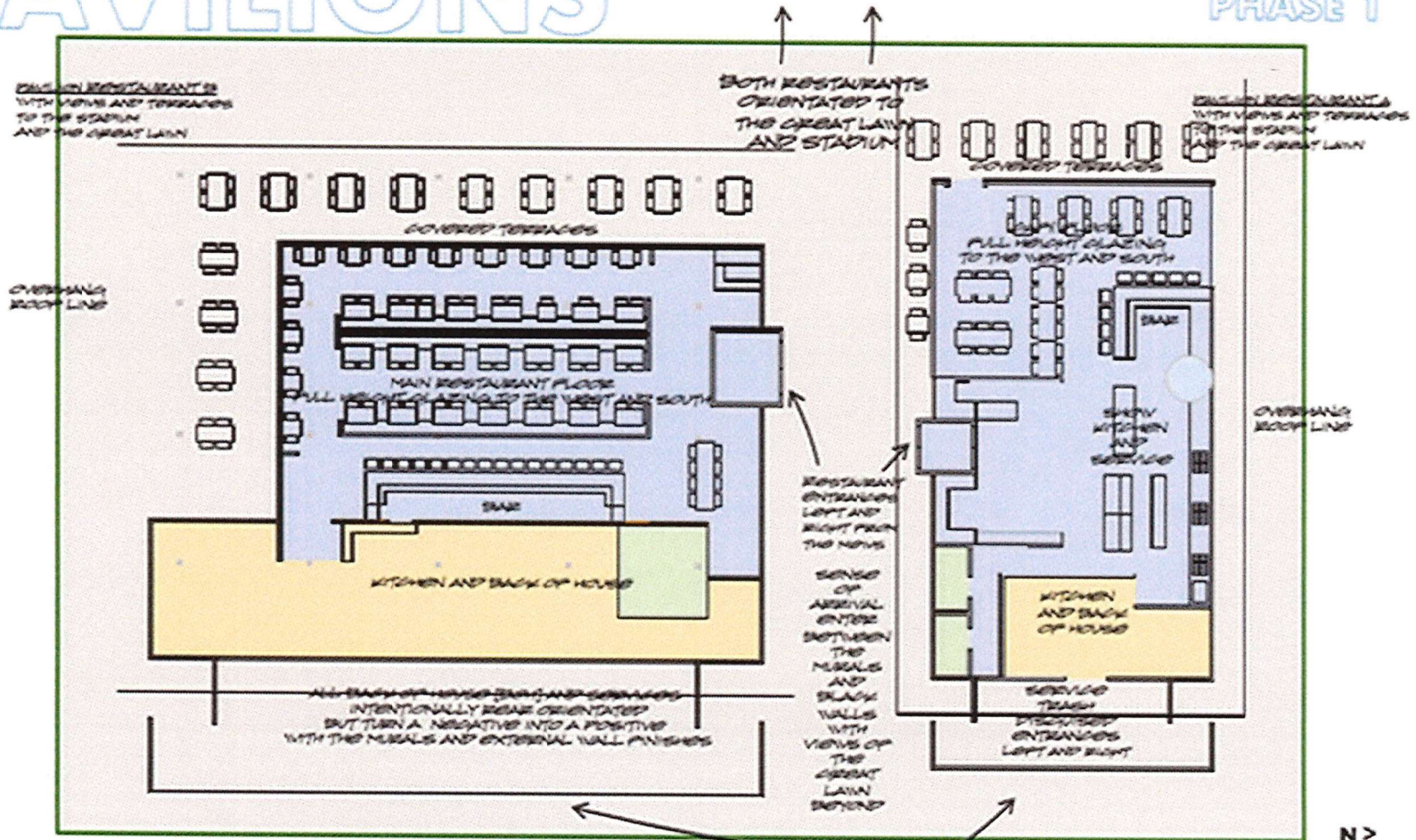
Floor Plan of the Pavilion Restaurants

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BLOCK F1

RESTAURANT PAVILIONS

United VILLAGE MASTERPLAN PHASE 1



SIMPSON STREET

UNITED VILLAGE MIDWAY MINNESOTA

CLEAN WALLS PROVIDED FOR MESSALS LEFT AND RIGHT ALL OTHER ARRIVAL WALLS CLAD IN BLACK PORCELAIN

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THE HEART OF THE TWIN CITIES