

CITY OF ST. PAUL

HIGHLAND BRIDGE
BLOCK 2C – COMMERCIAL
Ryan Companies US, Inc.

Supplement/Applicant Public Comment
January 3, 2025

At the BZA hearing on December 9th, 2024 the Commission and members of the public had several questions and comments which this document seeks to clarify and address in preparation for the public hearing on January 6, 2025. The content below is organized by variance request and specifically notes the legal findings that the project meets, by variance, as defined in the City of St Paul zoning code.

Variance Request 1: Floor Area Ratio (FAR)

1. Definition of “Lot, zoning.” BZA commissioners noted that each parcel must be looked at independently when considering FAR; however, this statement ignores the literal definition within the Zoning Code Sec. 60.213 which states: *“A single tract of land which, at the time of filing for a building permit, is designated by its owners or developers as a tract to be used, developed or built upon as a unit, under ownership or control of one (1) person or joint tenants. A zoning lot shall satisfy this code with respect to area, size, dimensions and frontage as required in the district or districts in which the zoning lot is located. A zoning lot, therefore, may or may not coincide with a lot of record as filed with the county recorder but may include one (1) or more lots of record.”* Even though the project is seeking a variance, consideration should be given to the fact that the combined originally conceived and platted Block 2 for Highland Bridge (as envisioned in the Ford Site Master Plan) will have an FAR in excess of 1.7 and may have a FAR of 2.0 or greater when fully developed.
2. Legal Findings:
 - a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec 66.916) and the proposed project is retail (13,000 sf).
 - b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm. Multifamily buildings MAY be incorporated on upper floors.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916). There is no requirement that multifamily is incorporated on upper floors and the design of the proposed building orients to public rights-of-ways and connects to adjacent pathways offering vegetation and areas for outdoor seating for the retail.
 - c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40 & Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)
 - d. **The variance is in harmony with the general purposes and intent of the zoning code** because while the project is under the minimum FAR requirement it meets the setback requirement and the lot coverage requirement, which are other mechanisms the Ford Site

Master Plan and zoning code use to manage density (FAR, setbacks, building height, and various lot coverage requirements).

- e. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80) and retail is at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan.
- f. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has a building located “at the front of the lot along the primary pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).
- g. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project delivers on these guiding principles with the retail building proposed through 13k sf of vibrant commercial space.
- h. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18 of the Ford Site Master Plan) which the proposed building provides as it is intended to be a daycare use with an identified user.
- i. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p 19) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway, the accessible routes around the site from Ford Parkway, Cretin Avenue and Hillcrest Drive at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Hillcrest Drive.
- j. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway connecting two civic spaces as well as various routes around the building from Ford Parkway, Cretin Avenue and Hillcrest Drive.
- k. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through the proposed development which will be a well-known, successful daycare.
- l. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project

given substantive policy and market changes outside of the property owner's control since the time of adoption of the Ford Site Master Plan.

- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by the 13,000 sf of retail in the proposed development.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” (p 38 of the 2040 Comprehensive Plan). The proposed project provides employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.
- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focuses on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping) and multiple pathways around the building at the pedestrian easement, Ford Parkway, Cretin Avenue and Hillcrest Drive, each of which supports and delivers Policy LU-9 goals.
- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to “support facilities outside public rights-of-way to support pedestrian activity, such as sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the retail use and related design in the proposal supports and delivers.
- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways around the building.
- r. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through placing the single story building along Cretin Avenue adjacent to the Civic Square and across Ford Parkway from other single story buildings in the neighborhood.
- s. **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** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St.

Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed use is compatible with the surrounding area and complies with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape and size, geotechnical challenges) and the changes that have occurred locally and globally since the time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary policy, and other micro and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. Simply put, a denser project would not be practical at the site, which has been made abundantly clear by ongoing efforts over the last 5 years to do so. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.

- t. **The plight of the landowner is due to circumstances unique to the property not created by the landowner** because the presence and location of the two civic spaces, Outlot B (Civic Square) and Outlot C (Civic Plaza) and City-required pathway easement as identified in the Ford Site Master Plan, are circumstances unique to Block 2C that create an awkward shaped land area to be developed and result in inefficiencies within the proposed building resulting in less building square footage. The pathway easement requirement also increases the undevelopable space on the block. If the roadway network and parcel lines for Block 2 were not so distinct and unique and reflected a more standard block that was larger, and if there were no site requirements for connections of adjacent parcels, this building could be connected to others on site and additional density could be added to increase the FAR.
- u. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** a geotechnical site investigation of the property comprising Block 2C revealed a number of existing site conditions affecting the design and development of Block 2C, such as perched water table, shallow shale and limestone bedrock, which limit the developable area within the project site because of the desire to create a pedestrian oriented experience while limiting the floor slabs within the shale and groundwater/perched water. This constrains the layout of the building and limits achievable FAR.
- v. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the small size and odd shape of the parcel along with two sides of right of way both containing parking and unique pedestrian features constrain the possible layout of the building, and preclude the possibility of underground parking to support higher densities and ultimately limit achievable FAR.
- w. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block 2C project is an allowed use within the F5 Business Mixed District.
- x. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the project site (please see attached Exhibit A), a Civic Square planned directly north of the proposed building. The proposed development is thoughtfully designed to manage this transition

to more dense buildings to the south across Cretin and Hillcrest Drive and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city’s zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city’s Comprehensive Plan.

Variance Request 2: Building Height

1. Legal Findings:

- a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec 66.916) and the proposed project is retail (13,000 sf).
- b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm. Multifamily buildings MAY be incorporated on upper floors.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916). There is no requirement that multifamily is incorporated on upper floors and the design of the proposed building orients to public rights-of-ways and connects to adjacent pathways offering vegetation and areas for outdoor seating for the retail.
- c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40 & Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)
- d. **The variance is in harmony with the general purposes and intent of the zoning code** because while the project is under the building height requirement it meets the setback requirement and the lot coverage requirement, which are other mechanisms the Ford Site Master Plan and zoning code use to manage density (FAR, setbacks, building height, and various lot coverage requirements).
- e. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80) and retail is at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan.
- f. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has a building located “at the front of the lot along the primary pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).

- g. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project delivers on these guiding principles with the retail building proposed through 13k sf of vibrant commercial space.
- h. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18 of the Ford Site Master Plan) which the proposed retail building provides as it is intended to be a daycare use with an identified user.
- i. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p19) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway, the accessible routes through the site from Ford Parkway, Cretin Avenue and Hillcrest Drive at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Hillcrest Drive.
- j. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway connecting two civic spaces as well as various routes around the building from Ford Parkway, Cretin Avenue and Hillcrest Drive.
- k. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through the proposed development which is planned as a prominent daycare.
- l. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project given substantive policy and market changes outside of the property owner’s control since the time of adoption of the Ford Site Master Plan.
- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by the 13,000 sf of retail in the proposed development.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and

opportunities.” (p 38 of the 2040 Comprehensive Plan). The proposed project provides employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.

- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focuses on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping) and pathways around the building at the pedestrian easement, Ford Parkway, Cretin Avenue and Hillcrest Drive, each of which supports and delivers Policy LU-9 goals.
- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to “support facilities outside public rights-of-way to support pedestrian activity, such as sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the retail use and related design in the proposal supports and delivers.
- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways around the building.
- r. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through placing the single story building along Cretin Avenue adjacent to the Civic Square and across Ford Parkway from other single story buildings in the neighborhood.
- s. **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** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St. Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed use is compatible with the surrounding area and complies with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape and size, geotechnical challenges) and the changes that have occurred locally and globally since the time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary policy, and other micro and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. Simply put, a more dense and taller project would not be practical

at the site, which has been made abundantly clear by ongoing efforts over the last 5 years to do so. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.

- t. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** a geotechnical site investigation of the property comprising Block 2C revealed a number of existing site conditions affecting the design and development of Block 2C, such as perched water table, shallow shale and limestone bedrock, which limit the height of the building because of the desire to create a pedestrian oriented experience while limiting the floor slabs within the shale and groundwater/perched water.
- u. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the small size and odd shape of the parcel along with two sides of right of way both containing parking and unique pedestrian features constrain the possible layout of the building, preclude the possibility of underground parking to support higher densities and ultimately limit achievable height. This makes a small scale vertical mixed-use building inefficient from a design and cost perspective. The lot is best served as a single-story retail building to match those on Block 2B and hold the prominent frontages of Cretin Ave, Outlot B, and the diagonal pedestrian way.
- v. **The plight of the landowner is due to circumstances unique to the property not created by the landowner** because the presence and location of the two civic spaces, Outlot B (Civic Square) and Outlot C (Civic Plaza) and City-required pathway easement as identified in the Ford Site Master Plan, are circumstances unique to Block 2C that create an awkward shaped land area to be developed and result in inefficiencies within the proposed building shape that limit achievable height. The pathway easement requirement also increases the undevelopable space on the block. If the roadway network and parcel lines for Block 2 were not so distinct and unique and reflected a more standard block that was larger, and if there were no site requirements for connections of adjacent parcels, this building could be connected to others on site and additional height could be added.
- w. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block B2 project is an allowed use within the F5 Business Mixed District.
- x. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the project site (please see attached Exhibit A) stepping up to taller, mixed- use buildings to the south. The proposed development is thoughtfully designed to manage this transition to taller buildings to the south across Cretin and Hillcrest Drive and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city's zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city's Comprehensive Plan.

Variance Request 3: Window & Door/Opening Percentage

1. Legal Findings:

- a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec 66.916) and the proposed project is retail (13,000 sf).
- b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm. Multifamily buildings MAY be incorporated on upper floors.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916).
- c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40& Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)
- d. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80) and retail is at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan.
- e. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has buildings located “at the front of the lot along the primary pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).
- f. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project delivers on these guiding principles with the retail building proposed through 13k sf of vibrant commercial space.
- g. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18 of the Ford Site Master Plan) which the proposed building provides as it is intended to be a daycare use with an identified user.
- h. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p19) which is achieved on this block via the proposed project through

a design that incorporates the main pedestrian angled pathway as well as accessible routes through the site from Ford Parkway, Cretin Avenue and Hillcrest Drive at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Hillcrest Drive.

- i. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway connecting two civic spaces as well as various routes around the building from Ford Parkway, Cretin Avenue and Hillcrest Drive.
- j. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through the proposed development which is planned as a prominent daycare.
- k. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project given substantive policy and market changes outside of the property owner’s control since the time of adoption of the Ford Site Master Plan.
- l. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by the 13,000 sf of retail in the proposed development.
- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” (p 38 of the 2040 Comprehensive Plan) The proposed project provides employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focuses on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping) and pathways around the building at the pedestrian easement, Ford Parkway, Cretin Avenue and Hillcrest Drive, each of which supports and delivers Policy LU-9 goals.
- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to

“support facilities outside public rights-of-way to support pedestrian activity, such as sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the retail use and related design in the proposal supports and delivers.

- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways around the building.
- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through placing the single story building along Cretin Avenue adjacent to the Civic Square and across Ford Parkway from other single story buildings in the neighborhood.
- r. **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** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St. Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed uses are compatible with the surrounding area and comply with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape and size, geotechnical challenges) and the changes that have occurred locally and globally since the time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary policy, and other micro and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of a viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.
- s. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the unique attributes of this parcel, with essentially four, highly-visible, active sides, makes the design more complex, particularly given the need for functional back-of house spaces which deserve less visibility in order to enhance both business operations and the pedestrian experience. The facade design for the North, East, and West facades are visually consistent with the proposed neighboring Block 2B standalone retail buildings, as well as with The Collection (project east of Cretin Ave) which received similar variances for first floor glazing; however the programmatic needs of the interior of the building limit the amount of glazing to some degree, for the sake of safety and privacy for the intended daycare use. This language wraps around the southern facade at the main building entry as well and resolves the massing with a consistent experience. The facade area in the SW corner is fronting back of house spaces that are not conducive to cladding with glazing.

- t. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block 2C project is an allowed use within the F5 Business Mixed District.
- u. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the project site (please see attached Exhibit A) stepping up to taller, mixed- use buildings to the south. The proposed development is thoughtfully designed to manage this transition to more dense buildings to the south across Cretin and Hillcrest Drive and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city’s zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city’s Comprehensive Plan.

Variance Request 4-7: Transparent Glazing Percentage

1. Legal Findings:

- a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec 66.916) and the proposed project is retail (13,000 sf).
- b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm. Multifamily buildings MAY be incorporated on upper floors.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916). There is no requirement that multifamily is incorporated on upper floors and the design of the proposed building orients to public rights-of-ways and connects to adjacent pathways offering vegetation and areas for outdoor seating for the retail.
- c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40 & Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)
- d. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80) and retail is at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan.
- e. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has a building located “at the front of the lot along the

primary pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).

- f. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project delivers on these guiding principles with the retail building proposed through 13k sf of vibrant commercial space.
- g. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18 of the Ford Site Master Plan) which the proposed building provides as it is intended to be a daycare use with an identified user.
- h. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p 19) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway, the accessible routes through the site from Ford Parkway, Cretin Avenue and Hillcrest Drive at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Hillcrest Drive.
- i. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway connecting two civic spaces as well as various routes around the building from Ford Parkway, Cretin Avenue and Hillcrest Drive.
- j. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through the proposed development which is planned as a prominent daycare.
- k. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project given substantive policy and market changes outside of the property owner’s control since the time of adoption of the Ford Site Master Plan.
- l. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by the 13,000 sf of retail in the proposed development.

- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” (p 38 of the 2040 Comprehensive Plan) The proposed project provides employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focuses on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping) and pathways around the building at the pedestrian easement, Ford Parkway, Cretin Avenue and Hillcrest Drive, each of which supports and delivers Policy LU-9 goals.
- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to “support facilities outside public rights-of-way to support pedestrian activity, such as sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the retail use and related design in the proposal supports and delivers.
- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways around the building.
- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through placing the single story building along Cretin Avenue adjacent to the Civic Square and across Ford Parkway from other single story buildings in the neighborhood.
- r. **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** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St. Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed use is compatible with the surrounding area and comply with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape and size, geotechnical challenges) and the changes that have occurred locally and globally since the time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary

policy, and other micro and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.

- s. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the unique attributes of this parcel, with essentially four, highly-visible, active sides, make the design more complex, particularly given the need for functional back-of house spaces which deserve less visibility in order to enhance both business operations and the pedestrian experience. The facade design for the North, East, and West facades are visually consistent with the proposed neighboring Block 2B standalone retail buildings, as well as with The Collection- which received similar variances for first floor glazing; however the programmatic needs of the interior of the building limit the amount of glazing to some degree, for the sake of safety and privacy for the intended daycare use. This language wraps around the southern facade at the main building entry as well and resolves the massing with a consistent experience. The facade area in the SW corner is fronting back of house spaces that are not conducive to cladding with glazing.
- t. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** a flat finished floor elevation for as much of the interior space as practical dictates that that some area that would otherwise be glazing will be non-glazed components of the window system to cover the slab edge between the floor and the pedestrian walkway surface.
- u. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block 2C project is an allowed use within the F5 Business Mixed District.
- v. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the project site (please see attached Exhibit A) stepping up to taller, mixed- use buildings to the south. The proposed development is thoughtfully designed to manage this transition to more dense buildings to the south across Cretin and Hillcrest Drive and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city's zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city's Comprehensive Plan.

EXHIBIT A

Photos of Surrounding Area





