

JUL 06 2020



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 # 20-049885
Fee Paid \$ 462
Received By / Date MG 07/06/2020
Tentative Hearing Date 07/22/2020

APPELLANT

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Email Joseph.Peris@RyanCompanies.com Phone 612-492-4183

PROPERTY LOCATION

Project Name Lot 1, Block 3, FORD
Address / Location 2170 Ford Parkway, St Paul, MN, 55116

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 June 29, 2020 File Number 20-038544

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.

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 [Signature] Date 07/06/2020

CITY OF ST. PAUL

FORD LOT 1 BLOCK 3

Ryan Companies US, Inc.

ZONING APPEAL

July 6, 2020

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Project Summary

The Ford Lot 1 Block 3 Project is one of the first private site development projects to be constructed under Ryan's Development Plan for the Ford Site Redevelopment. Ryan, as designer and builder, has partnered with Weidner Apartment Homes, as operator, to bring forward a mixed-use building on Lot 1 Block 3 as identified in the FORD plat. The proposed 2.65 acre site is located at the southeast corner of Ford Pkwy and Cretin Ave in St. Paul, MN. The proposed Lot 1 Block 3 project consists of approximately 51,000 sf retail (grocery) space, 227 market rate apartment units, 3 privately financed income-restricted apartment units designated for renters earning a maximum of 60% of AMI, apartment amenity spaces, and 436 structured parking spaces split between the two uses. The uses are consistent with the current zoning, F5 Business Mixed, as part of the Master Plan developed by the City.

The remaining 0.53 acres of Block 3 to the south of the Lot 1 parcel, identified as Lot 2 Block 3 in the FORD plat, will be developed by CommonBond Communities as an affordable housing project designated for seniors. In addition, a partially one-way alley will be constructed on the east side of the site, located in a private outlot owned by the city. This private alley, which is referred to as Outlot A, will provide the critical function of a service drive for the Lot 1 Block 3 access to residents and the project retail, the only access point for the Lot 2 Block 3 project parking area, and will be constructed at the expense of the Lot 1 Block 3 project pursuant to the requirements of the Redevelopment Agreement (RDA).

Variance Request: Building Lot Coverage

The maximum building lot coverage requirement in the F5 zoning district for a mixed-use building is 70% per the Ford Site Master Plan. Ryan's original request was a variance of 20.3% with a 90.3% lot coverage proposed. Both the Highland District Council and City Staff Recommended approval of the variance request but it was denied by the Board of Zoning Appeals. The Staff Recommendation report-(p7) states: "*The building footprint is a reasonable request that cannot be accomplished without the requested variance.*" Below are the errors we feel led to the denial of the variance request.

The Zoning Board members discussed that if they denied the variance for Building Lot Coverage that the building would shrink, which would then increase the amount of "green" Open-Space within the site. This is incorrect. Open Space and Building Lot Coverage are two distinct elements within the Ford Site Master Plan. The project is following the requirement of Open Space and is seeking a variance on Building Lot Coverage only. Decreasing the amount of Building Lot Coverage does not translate to an increase of Open Space.

The City Staff Report pointed out that if we included the alley in our calculation, per Zoning Code Sec. 63.101, our variance request would be decreased. If it weren't for the unique agreements put in place between Ryan and the City as a part of the Ford Site Redevelopment, this alley would likely have been public to begin with and considered a part of the lot coverage calculations. The alley is currently private with the intention that it become public in the future per Exhibit R of the Ford Site RDA, so we believe that a portion of the alley should be considered in the building lot coverage calculation. While it is not public property at this time, it is planned to be based on the terms agreed to in the RDA. When we incorporate half of the alley that is adjacent to the Lot 1 Block 3 parcel into our Lot Coverage Calculation per Sec. 63.101, our variance request decreases to 13.9%, for a total lot coverage of 83.9%.

In comparable zoning districts, such as the Traditional Neighborhood Districts (T1-T4), projects would only have an FAR requirement to meet for this type of building whereas the Ford Site projects must meet both an FAR and a Building Lot Coverage requirement. The City Staff report pointed out that the typical reasons the city would be concerned over increased lot coverage are not applicable to this project. Typically, a larger lot coverage would mean a higher FAR, but this project's FAR is in the lower end of the allowable range at 2.43 (Masterplan F5 District Min: 2.0, Max: 4.0). Increased lot coverage would normally have adverse effects to the city's stormwater management however, this site's stormwater is being managed through the central ford stormwater feature. This feature will accommodate a higher level of stormwater than typical infrastructure and has already taken into account the additional lot coverage and corresponding impervious surfaces into the overall stormwater design.

Supporting Information

1. *The variance is in harmony with the general purposes and intent of the zoning code.*
 - a. The Ford Site Zoning Districts are similar in requirements and uses to the Traditional Neighborhood Districts which utilize FAR as opposed to Building Lot Coverage to limit the development within a property site. The Lot 1 Block 3

project complies with the FAR range of 2.0-4.0 within the F5 District with a 2.43 FAR.

2. *The variance is consistent with the comprehensive plan.*
 - a. The F5 district is intended to be a mixed business use property as laid out in the Master Plan. The mixed residential and grocery use for the property is proposed to be used in a reasonable manner consistent with surrounding areas and with the Master Plan vision.
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.*
 - a. The practical difficulties in complying with the Lot Coverage requirement are based on balancing all the Ford Masterplan requirements, program, parking, and existing site bedrock conditions. We feel the current design is most aligned to the spirit of the Masterplan.
 - b. The Ford Masterplan has several interests which are currently competing for space with one another, that have led to the current design of increased lot coverage. The competing forces are:
 - i. FAR
 - ii. Lot Coverage requirements
 - iii. High Levels of Commercial Space
 - iv. Parking expectations
 - v. Active uses to shield parking from the pedestrian realm, which necessitates building structured parking.
 - vi. Building height constraints
 - c. Grocery stores are important to increasing walkability and vibrancy of neighborhoods and bringing a grocer to the Ford Site will be a great catalyst for the rest of the development. Lot 1, Block 3, is one of the largest lots on the Ford Site and can support the larger programming elements associated with the grocery use. The footprint of the grocery, plus structured parking, plus the active use portion of the building along the Cretin Ave Right-Of-Way is what brings the project up to a higher building lot coverage percentage.
 - d. Critical to the success of a grocer is a large, uninterrupted retail floor all on one level, supported by a minimum parking stall count, which adds to the programming space required. Per the Ford Site Master Plan, the F5 zoning district is required to include between a minimum of 20% commercial space and a maximum of 50% commercial space. Ryan feels it is important to provide an anchor commercial tenant within the first project of the F5 district in order to reach the minimum 20% commercial space within the zone and act as a catalyst and anchor for future retail services within the development.
 - e. To contextualize the size of the proposed building, it is roughly the same size as Vintage on Selby. Vintage on Selby, located in the T3 zoning district, has a Building Lot Coverage, at approximately 87%, which illustrates that the program of a grocer necessitates a larger footprint and greater lot coverage than a typical

vertical mixed use building, particularly when taking into account the higher parking demand.

- f. The proposed project has buffered structured parking from the pedestrian realm with active uses. All of the parking is structured, 48% of the parking is underground and the total project stall count in the middle of the range outlined by the Masterplan.. The variance requested is what allows the project to reach the parking required to support the program with active use commercial and residential spaces along pedestrian thoroughfares. Based on the Ford Lot 1, Block 3 project size, the Ford Master Plan dictates the minimum parking allowance of 258 and the maximum of 715. The project is currently proposing 436 structured parking stalls, roughly 61% of the allowable parking stalls. The proposed project is not providing an excessive amount of parking. Decreasing parking any further would be detrimental to the project's ability to secure a grocery tenant.
 - g. Project has provided the opportunity for a diversity of transit uses, there are 240 bike stalls provided in a variety of means, most of which are in structured space to protect them from the elements.
 - h. Existing Decorah Shale Bedrock conditions make difficult to construct a second level, linear underground parking.
4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
 - a. Existing Decorah Shale Bedrock conditions make it difficult to construct a second level of linear underground parking.
 5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*
 - a. The proposed uses of the building are aligned perfectly with the masterplan. The F5 zoning district provides for a variety of land uses and orients the building to the public right-of-ways to provide a dynamic, ground floor activity.
 6. *The variance will not alter the essential character of the surrounding area*
 - a. A grocery tenant as the first commercial retail is a strong anchor that will help propel the rest of the development and set the stage for other successful commercial and retail uses to complete the master plan vision.
 - b. The openness of the adjacent areas such as the Urban Plaza and wide boulevards mean the pedestrian experience will continue to be engaging.

Variance Request: Car-Share Requirements

In the Zoning Board meeting there was an error in the explanation and board's understanding of the practical difficulties in complying with the Master-Plan Car-Share requirements at this site and at this time. Furthermore, the District Council Recommendation and the Staff Recommendation was to approve the variance request.

The variance request complies with the following findings:

1. The variance request is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. There are practical difficulties in complying with the provision, and the project proposes to use the property in a reasonable manner. We are not proposing economic considerations on our part, but rather the unavailability of the service.
4. The variance does not request any use that is not allowed in the zoning district.
5. The variance is due to unique circumstances not created by Ryan Companies.
6. The variance will not alter the essential character of the surrounding area.

The practical difficulties are: the lack of car share providers in the area, the lack of funding for the single provider, and the provider is in process of modifying their business model. **Hour Car is currently the only provider in the St Paul area, and they are no longer adding out-and-back stations.** They are moving towards an EV hub point to point model, and are in process of securing the funding to build of the Twin Cities network. This network may have funding in place in later 2020, however, their current service area map does not include the Ford Site. Ryan Companies is working with Xcel (a major funder of the effort) and the City of St Paul to expand the network to include the Ford Site. The circumstances of the availability of only one car-share provider, Hour Car's model change, and the timing of this network availability creates currently insurmountable obstacles for meeting the car sharing requirement within the Block 3 Lot 1 project. Ryan is working with the City of St Paul and HourCar towards achieving Ford Masterplan car sharing requirements on the Ford redevelopment site in the future in a more efficient and comprehensive manner.

Furthermore, the Masterplan states the following on page 62:

"A future amendment may be substituted before April 10, 2029 if no car-share operator is secured or the space is not used for other shared models such as bicycles or scooters"

The project is unable to provide the required car-share spaces, the project is proposing to provide the same number of required car-share stalls as scooter stalls, to further the goal behind the car-share provision of: reducing the demand on individually owned vehicles. The staff recommendation also pointed out that providing scooter parking "...aligns with the intent of Sec. 60.103 of the zoning code to provide for safe and efficient circulation of all modes of transportation." (pg5 of the staff recommendation). Substituting Scooter stalls is within the spirit of the Ford masterplan; and we think is the most logical project option while Ryan Companies works towards an alternate solution with key stakeholders to bring a car-share hub to the Ford Site.