

city of saint paul
planning commission resolution
file number 24-3
date March 15, 2024

WHEREAS, Snelling-Midway Redevelopment, LLC, File # 24-013-570, has applied for a conditional use permit for maximum building height, 75' allowed by right and 90' requested; with variances for structure step backs, front yard setback, entrance drive, building anchoring the corners, above grade window and door openings, and building façade articulation under the provisions of § 61.501, § 66.331; § 66.331(h); § 66.342(a)(2); § 66.343(b)(6) & (9); § 63.110(b) of the Saint Paul Legislative Code on property located at 1566 University Avenue West (temporary address – University West between Snelling and Pascal), Parcel Identification Numbers (PINs) 34.29.23.32.0009; 34.29.23.32.0005; 34.29.23.32.0015, legal description after final plat is approved will be Lot 1, Block 2; United Village Development; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 7, 2024, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant owns the largely vacant property and intends to develop a hotel and structured parking garage. A conditional use permit to allow additional height and several variances related to building placement and window and door openings and building façade articulation are requested. The hotel and parking garage development are part of the first phase of development on the broader redevelopment site. Additional Phase 1 projects include a playground, sculpture plaza, office building, restaurants, and temporary surface parking to serve the new uses. The applicant states that collectively, Phase 1 development is intended to activate and embrace the “Great Lawn” the heart of the district and the ethos of the Midway. The applicant adds that future phases of development will concentrically build on layers of program which build upon and are servient to the central “Great Lawn”. Public streets and sidewalks were installed around the soccer stadium when it was built. Additional streets and sidewalks are planned for the area north and east of the stadium. The streets and sidewalks will be constructed over time as new development occurs on the redevelopment site.

The hotel is proposed to be 8 stories and 90' in height and have up to 160 guest rooms (29 guest rooms per floor on floors 3 to 7 and 12 studio guest rooms at the penthouse level that can be used for long term stays). The building contains retail space, hotel rooms and amenities, a restaurant, parking garage, and back of house and service programs. At street level a central lobby along the north elevation leads guests to a restaurant and lounge and social areas to activate the street. Meeting rooms and guest rooms are planned for the

second level along with a fitness center and back of house uses. Retail space on the main level of the hotel is planned for Spruce Tree Avenue. A terrace with internal/external patio connected to the south side of the hotel and publicly accessible open space south of the terrace are planned. External facing public convenience restrooms are planned within the ground level of the parking garage along the Simpson Street side of the building. The primary hotel entrance faces University Avenue and will be accessed by vehicles from Simpson Street. A one-way westbound driveway from Simpson Street to Asbury Street is planned that will provide for short term valet/drop off. A direct pedestrian connection between the sidewalk along University Avenue and the primary hotel entrance is provided and features a decorative concrete walk as shown on the site plan. The change of material finish designates the pedestrian crossing to alert motorists of the potential for pedestrians in the driveway. The eastbound Green Line Snelling station platform is just west of the hotel and has a pedestrian crossing of the Green Line tracks and University Avenue near future Simpson Street. The parking garage, east and south of the hotel will be 5 stories in height and have about 300 stalls (roughly 64 stalls per floor) and bicycle parking. Vehicular access to the parking garage will be from Simpson Street, as will truck loading and trash/recycling collection. The parking garage staircase will anchor the corner at Spruce Tree Avenue and Simpson Street and be encased in glass.

2. The T4 dimensional standards allow the height of mixed-use buildings to be 75' by right. Additional height is permitted with a conditional use permit; 90' is proposed. The proposed building height allows for two stories of amenity and back of house space and 6 stories of guest rooms. The zoning code provision that allows for additional height with a conditional use permit also requires that structures be stepped back 1' from all setback lines for every 2½' of height over 75'. The applicant requests a variance from this requirement for the west façade along Asbury Street; the stepping back requirement is met for the other façades.
3. Zoning code § 61.501 lists the 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. A goal of the land use chapter of the comprehensive plan is to focus economic and population growth around transit. The proposed hotel is in a transit rich area of the city, along the Green Line LRT and just east of the A Line BRT. According to the land use plan, the site is in a mixed-use area and in the Snelling-University Neighborhood Node. The Neighborhood Node designation is for areas planned for higher density. Policy LU-1 encourages transit-supportive density and directs the majority of growth to areas with the highest existing or planned transit capacity. A hotel is a good fit for the transit rich T4M area. Policy LU-6 calls for fostering equitable and sustainable economic growth by facilitating business creation, attraction, retention and expansion, and growing Saint Paul's tax base in order to maintain and expand City services, amenities and infrastructure. Policy LU-27 provides for land use change and rezoning of land adjacent to mixed-use areas to allow for commercial redevelopment and/or expansion fronting arterial and collector streets. Policy LU-29 calls for ensuring that building massing, height, scale and design transition to those permitted in adjoining districts. Policy LU-30 calls for focusing growth at Neighborhood Nodes and prioritizes pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety. Policy LU3 in the Union Park Community Plan encourages vibrant commercial development that takes advantage of the increased transit availability in Union Park. The Snelling-Midway Redevelopment Site Master Plan

and Design Guidelines (master plan) call for hotels on the redevelopment site. The master plan contemplated hotels heights of 100' to 180', so the proposed hotel height of 90' is in keeping with the master plan. The master plan is flexible about the location of land uses on the redevelopment site, including hotel uses, and allows this to be determined by market forces.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ramsey County, which has jurisdiction over University Avenue, will not allow direct access to the property from University Avenue. Consequently, vehicular access to the primary hotel entrance along University Avenue must be from side streets. The proposed one-way westbound driveway runs from Simpson Street to Asbury Street and provides for a drop-off lane for guest check-in and check-out. A drive aisle immediately north of the drop-off lane allows space for vehicles to go around those in the drop-off lane, to limit congestion and prevent entering vehicles from backing up onto Simpson Street. The applicant states that the driveway is not intended to be for parking and that signage will be posted alerting motorists that the area is for drop-off only, to enforce this requirement. Public Works staff reviewed the preliminary site plan and recommended the following conditions: 1) the driveway shall be for one-way westbound traffic only. Signage shall be installed indicating that no parking is permitted in the driveway and that the driveway is for check-in/check-out, pick-up/drop-off, and valet only. Signage shall indicate stopping in the bypass lane is prohibited; 2) the driveway shall be for passenger vehicles only as the site design cannot accommodate turning movements for larger vehicles; 3) there shall be a direct pedestrian connection between the sidewalk along University Avenue and the primary hotel entrance. The connection shall be reviewed and approved by Public Works; 4) the owner/operator is solely responsible for ensuring the driveway operates in a safe manner for all users and does not result in adverse impacts to the public road system. If the owner/operator is unable to manage the driveway in a safe manner that avoids adverse impacts to the public road system the City reserves the right to require closure of the driveway access points at the cost of the owner/operator. The owner/operator must at all times maintain an operating plan for the driveway and must provide to the City upon request. This initial plan must be reviewed and approved by the Public Works Traffic Engineer during site plan review. Specifics to be addressed shall include: 1) document protocols, enforcement, and signage to limit the driveway to passenger vehicles, to manage the bypass lane, to prohibit parking and ultimately to assure no adverse impacts to the public road system; 2) quantify driveway use, frequency, volume, and peak times, etc.; 3) document how Metro Mobility, delivery vehicles, limousines, buses etc. will be accommodated and serve the site without adversely impacting the public road system.
- (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. University Avenue is a minor arterial that carries about 14,000 vehicles per day and is also served by bus and light rail transit. Snelling Avenue just to the west carries more than 30,000 vehicles per day and is served by bus routes that include the A line bus rapid transit. The proposed hotel is an appropriate use for University Avenue and the Snelling Station area, which is characterized by a mix of commercial uses with varying degrees of intensity and density. The hotel will not be detrimental to the existing character of development. The proposed use is in keeping with the character of surround development and is an appropriate use in the mixed-use area, which calls for high density development along thoroughfares served by public transit. The height of

the building will fit within the scale of development planned for the redevelopment site. The wide right-of-way to the north that includes University Avenue and light rail tracks is about 120' and provides ample separation between lower commercial building heights to the north.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed hotel use is consistent with the master plan and complementary to existing development in the area. The proposed 8-story hotel will not prevent future development that is consistent with comprehensive plan, master plan, or existing zoning. The applicant submitted a shadow study to illustrate the impact of the building on surrounding uses.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition could be met if the requested variances are approved. The applicant requests several variances related to building placement, window and door openings, and building façade articulation. Subject to these zoning approvals, the use will conform to all other applicable T4M district regulations.

4. **Variance #1** - Zoning code § 66.331(h) requires structures to be stepped back 1' from all setback lines for every 2½' of height over 75'. At 90' the hotel is 15' above the 75' permitted by right. Therefore, the building must be stepped back 6' from all setback lines. The hotel building is stepped back about 10' on all sides and complies with the requirement on the University Avenue, Spruce Tree Avenue, and Simpson Street sides. However, there are two elements on the Asbury side of the building that do not comply with this standard: the top one foot of the 7th floor and the 8th floor roof eave that vertically aligns with the main west façade below it. The stepping back along the Asbury side of the building is 1' where 6' is required, for a variance of 5'.

Zoning code § 61.601 states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.*
This finding is met. Stepping back is a form of building articulation that helps break up the massing of a building. The building design does step back the top floor as required and also does some stepping back at the second story. It is the top one foot of the 7th floor and the 8th floor roof eave on the west side of the building, not the entire west façade, that is stepped back 1' where 6' is required. The proposed building articulation at the second and top floors breaks up the massing, despite the roof eave and the top one foot of the 7th floor not being stepped back as required, and is in harmony with the purpose and intent of the zoning code.
- (b) *The variance is consistent with the comprehensive plan.* This finding is met. One of the goals of the comprehensive plan is for people-centered design. Policy LU-5 encourages flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities. Policy LU-7 calls for using land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities. Policy LU-9 calls for promoting high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm. Policy LU-28 supports pedestrian-friendly streetscapes and visual interest through commercial building design. Policy LU1.3 of the Union Park Community Plan calls for promoting development that provides safe, pleasant, and interesting pedestrian experiences, especially north of I-94, crossing I-94, and along major arterials such as

Snelling, University, Hamline, Fairview, Cretin, Selby, and Marshall Avenues. The hotel design achieves building articulation at the second and top stories, in the spirit of people-centered design and pedestrian friendliness, despite not complying with the stepping back requirement for the west façade.

- (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. The applicant is designing a development on an entire city block and is therefore required to comply with the zoning requirements for the building on all four frontages, which poses a practical difficulty. The hotel design complies with the step back requirement on three sides of the building; it is only the west side that does not comply with the requirement. The hotel design is a reasonable use of the property not permitted by the step back provision.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The applicant is designing a development on an entire city block and is therefore required to comply with the zoning requirements for the building on all four frontages. This is a circumstance unique to the property that was not created by the landowner.
- (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 hotel and parking uses proposed are permitted in the existing T4M district. The variance will not permit any use that is not allowed in the zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The use is permitted in the zoning district and is consistent with surrounding development. The proposed hotel design achieves building articulation on the west side at the second and top stories despite not fully complying with the provision for the western facade.

5. **Variance #2** - Zoning code § 66.331 establishes a maximum front yard setback of 10'. A 44.4' front yard setback for the hotel is proposed for a variance of 34.4'. Ramsey County, which has jurisdiction over University Avenue, will not allow direct access to the property from University Avenue. Consequently, vehicular access needs to be from side streets, Simpson and Asbury, and must cross the entire property frontage to provide access to the primary building entrance along University Avenue. The applicant points out that the proposed driveway alignment is similar to the secondary road identified as Park Drive in the master plan. The applicant also notes that existing above-grade electrical utility structures that serve the Green Line, located in right-of-way and on an easement area at the northwest corner of the property, cannot be disturbed. These structures encroach about 20' x 40' into the corner of the property, thus requiring the hotel to be setback beyond the 10' maximum at that corner. The applicant intends to semi-enclose the electrical utility structures with screen walls on all sides using materials that integrate with adjoining sidewalks, landscape and building façade materials. The applicant states that the industry standard for hotels is to have front arrival and departure loading and the proposed front yard setback provides a functional zone in which to create a distinctive arrival and departure zone for hotel guests. The driveway parallel to University Avenue will serve as the primary building access for guest arrivals and departures for both vehicles and pedestrians. The applicant notes the following: 1) the proposed setback between the hotel façade and University Avenue incorporates a landscape buffer between the public sidewalk and hotel drop-off zone along the north side of the driveway; 2) the setback provides space for ten vehicles to stack in

front of the building for short term loading and unloading; 3) the setback allows for 7.3' of additional sidewalk width along University Avenue for a total sidewalk width of 18'. A direct pedestrian connection between the sidewalk along University and the primary hotel entrance is provided with a decorative concrete walk as shown on the site plan. The change of material finish designates this area as a pedestrian crossing to alert motorists of the need for caution in the entry drive.

Zoning code § 61.601 states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon finding that:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.*

This finding is met. The 0' to 10' required front yard setback sites buildings close to the sidewalk to enhance street level interest and activity and provide eyes on the street to create a comfortable and safe space for pedestrians. Through landscaping and screening of existing utility equipment and the direct pedestrian connection between the sidewalk and the hotel entrance the applicant is seeking to create a vibrant, comfortable, and safe space for pedestrians despite the deeper setback proposed to allow for the proposed driveway. This design approach is in harmony with the general purposes and intent of the zoning code to provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian, and bicycle traffic.

(b) *The variance is consistent with the comprehensive plan.* This finding is met. Policy T-12 in the transportation chapter of the comprehensive plan calls for minimizing and consolidating driveway curb cuts as redevelopment opportunities arise for redevelopment sites that have sufficient existing access or can reasonably be accessed via side streets, alleys or shared driveways, especially in areas with anticipated high pedestrian activity or with adjacent planned bikeways. This focus on access management calls for limiting curb cuts along University Avenue and focusing access from the side streets. The proposed side street access to the site is consistent with this policy. Policy LU-9 in the land use chapter calls for promoting high-quality urban design that supports pedestrian friendliness and a healthy environment and enhances the public realm. Policy LU-18 calls for supporting facilities outside public rights-of-way to support pedestrian and bicycling activity, such as sidewalk access to building entrances, adequate lighting, trails and bicycle parking/storage. Policy LU-28 calls for supporting pedestrian-friendly streetscapes and visual interest through commercial building design. The intent of these policies and front yard setback requirement is to create a safe and pedestrian friendly environment that enhances the public realm. A benefit of the deeper setback is the additional sidewalk width along University Avenue which is consistent with the Snelling Station Area Plan that calls for a minimum of 14' sidewalks in the mobility enhancement zone along University Avenue where a higher level of pedestrian activity is anticipated and a high quality pedestrian environment is key (Policy 3.1). One of the design principles guiding development of the master plan is for a transit- oriented development and a pedestrian-first walkable neighborhood. The direct pedestrian connection between the sidewalk along University and the hotel entrance shown on the site plan helps achieve this goal.

(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. The access management policy in the transportation

chapter of the comprehensive plan, Policy T-12, along with Ramsey County not allowing direct access to the site via University Avenue present practical difficulties in complying with the front yard setback provision. The presence of existing electrical utility structures for the Green Line along the University Avenue frontage of the site contributes to the practical difficulties as well. Complying with these policies and intrusions forces the hotel building to be sited away from the front property line.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The access management policies of the city and county that prohibit direct access to the site from University Avenue and the presence of electrical utility structures for the Green Line along the University Avenue frontage are circumstances unique to the property that were not created by the landowner.
- (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 hotel and parking uses proposed are permitted in the existing T4M district. The front yard setback variance will not permit any use that is not allowed in the zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. Front yard setbacks that site buildings close to the sidewalk enhance street level interest and activity and provide eyes on the street to create a comfortable and safe space for pedestrians. Because the setback needs to be deeper than required due to access management policies and intrusions by existing electrical utility structures, it is important that a strong connection be created between the public sidewalk and the primary entrance to the hotel that is vibrant, comfortable, and safe for pedestrians despite the larger setback. The design does this with a direct pedestrian connection between the sidewalk and the primary hotel entrance, landscape buffer, wider sidewalk, and screening of existing utility equipment. With these features integrated into the design the variance will not alter the essential character of the surrounding area.

6. **Variance #3** - Zoning code § 66.342(a)(2) states that entrance drives may occupy no more than 60' of total lot frontage. A driveway with 322' of lot frontage along University Avenue is proposed for a variance of 262'. Ramsey County has jurisdiction over University Avenue and will not allow direct access to University Avenue. Consequently, vehicular access must be from side streets. The driveway is proposed to have one-way westbound traffic flow from Simpson Street to Asbury Street and provide a drop-off lane for guest check-in and check-out. The applicant states that the industry standard for hotels is to have front arrival and departure loading and the proposed driveway provides a functional zone in which to create a distinctive arrival and departure zone for hotel guests. The driveway parallel to University Avenue will serve as the primary building access for guest arriving and departing by vehicle. The applicant points out that the driveway alignment is similar to the secondary road identified as Park Drive on the master plan. A drive aisle immediately north of the drop-off lane allows space for ten vehicles to stack in front of the building for short term loading and unloading and space for vehicles to go around those in the drop-off lane to limit congestion and prevent entering vehicles from backing up onto Simpson Street. The applicant notes that the driveway is not intended to be for parking and that signage will be posted alerting motorists that the area is for drop-off only, to enforce this requirement. Public Works staff reviewed the preliminary site plan and recommended the following conditions: 1) the driveway shall be for one-way westbound traffic only. Signage shall be installed indicating that no parking is permitted in the driveway and that the driveway is for check-in/check-out, pick-up/drop-off, and valet only. Signage shall indicate stopping in the bypass lane is

prohibited; 2) the driveway shall be for passenger vehicles only as the site design cannot accommodate turning movements for larger vehicles; 3) there shall be a direct pedestrian connection between the sidewalk along University Avenue and the primary hotel entrance. The connection shall be reviewed and approved by Public Works; 4) the owner/operator is solely responsible for ensuring the driveway operates in a safe manner for all users and does not result in adverse impacts to the public road system. If the owner/operator is unable to manage the driveway in a safe manner that avoids adverse impacts to the public road system the City reserves the right to require closure of the driveway access points at the cost of the owner/operator. The owner/operator must at all times maintain an operating plan for the driveway and must provide to the City upon request. This initial plan must be reviewed and approved by the Public Works Traffic Engineer during site plan review. Specifics to be addressed shall include: 1) document protocols, enforcement, and signage to limit the driveway to passenger vehicles, to manage the bypass lane, to prohibit parking and ultimately to assure no adverse impacts to the public road system; 2) quantify driveway use, frequency, volume, and peak times, etc.; 3) document how Metro Mobility, delivery vehicles, limousines, buses etc. will be accommodated and serve the site without adversely impacting the public road system. A landscape buffer is planned between the public sidewalk and hotel drop-off zone along the north side of the driveway and a sidewalk width of 18' is planned along University Avenue. A direct pedestrian connection between the sidewalk along University and the primary hotel entrance is provided with a decorative concrete walk as shown on the site plan. The change of material finish designates this area as a pedestrian crossing to alert motorist of the need for caution in the entry drive.

Zoning code § 61.601 states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon finding that:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.*

This finding is not met. The proposed driveway is vehicle-focused and does not provide safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic. Therefore, the variance is not in harmony with the general purposes and intent of the zoning code.

(b) *The variance is consistent with the comprehensive plan.* This finding is not met. Policy T3 of the transportation chapter of the comprehensive plan calls for designing rights-of-way per the following modal hierarchy: 1) pedestrians, with a focus on safety; 2) bicyclists, with a focus on safety; 3) transit; 4) other vehicles. The proposed driveway is vehicle-focused making the design contrary to this plan policy. In addition, the driveway design is contrary to the following comprehensive plan land use policies: 1) LU9, which calls for promoting high-quality urban design that supports pedestrian friendliness and a healthy environment and enhances the public realm; 2) LU28, which calls for supporting pedestrian-friendly streetscapes and visual interest through commercial building design; and 3) LU30, which calls for prioritizing pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety within Neighborhood Nodes. Finally, Policy LU1.3 of the Union Park Community Plan calls for promoting development that provides safe, pleasant, and interesting pedestrian experiences, especially north of I-94, crossing I-94, and along major arterials such as Snelling, University, Hamline, Fairview, Cretin, Selby, and Marshall Avenues. The intent of all of these comprehensive policies is to create a safe and pedestrian friendly environment. The driveway design is contrary to these policies.

- (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 not met. The project site allows for access on all sides. The entire redevelopment site, 34 acres, gives the applicant the freedom to make choices about access. The decision to site the driveway parallel to University Avenue is a choice made by the applicant and does not constitute a practical difficulty.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The access management policies of the city and county that prohibit direct access to the site from University Avenue are circumstances unique to the property that were not created by the landowner.
- (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 hotel and parking uses proposed are permitted in the existing T4M district. The variance will not permit any use that is not allowed in the zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. A robust pedestrian environment and experience that minimizes pedestrian-vehicle conflicts is essential to achieving the transit-oriented goal of the master plan. This is achieved with the direct pedestrian connection between the sidewalk and hotel entrance, the landscape buffer between the public sidewalk and the driveway, and the 18' sidewalk width along University Avenue.

7. **Variance #4** – Zoning code § 66.343(b)(6) is a Traditional Neighborhood design standard that requires new buildings to anchor the corner. A variance is requested to permit the hotel building to be setback and not anchor the corners at University & Asbury and University & Simpson. The need for the variance stems from the reasons for the front yard setback and driveway frontage variances discussed in findings 5 and 6 of this staff report. The access management of University Avenue requires vehicle access to be from side streets. Plus, the existing above ground electrical utility equipment structures for the Green Line located in right-of-way and an easement at the northwest corner of the site prevents the hotel from being located at the corner. The development block engages four corners where two public streets intersect. The applicant states that for the intended use and program density, it is impractical to anchor the building to all four corners of the parcel.

Zoning code § 61.601 states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.*
This finding is met. Ensuring convenience of access to property is one of the purposes and intents of the zoning code. A variance to allow the hotel to be setback from the corners, since direct access from University Avenue is not allowed, is in harmony with the general purposes and intent of the zoning code.
- (b) *The variance is consistent with the comprehensive plan.* This finding is met. Policy T-12 in the transportation chapter of the comprehensive plan calls for minimizing and consolidating driveway curb cuts as redevelopment opportunities arise for redevelopment sites that have sufficient existing access or can reasonably be accessed via side streets, alleys or shared driveways, especially in areas with anticipated high pedestrian activity or with adjacent planned bikeways. This focus on access

management calls for limiting curb cuts along University Avenue and focusing access from the side streets. The proposed side street access to the site is consistent with this policy but forces the building to be setback from the corners. Policy LU-7 calls for using land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities. Policy LU-9 in the land use chapter calls for promoting high-quality urban design that supports pedestrian friendliness and a healthy environment and enhances the public realm. Policy LU1.3 of the Union Park Community Plan calls for promoting development that provides safe, pleasant, and interesting pedestrian experiences, especially north of I-94, crossing I-94, and along major arterials such as Snelling, University, Hamline, Fairview, Cretin, Selby, and Marshall Avenues. The intent of these policies and the design standard for buildings to hold the corner is to create a safe and pedestrian friendly environment and experience. In addition, one of the design principles guiding development of the master plan is for a transit- oriented development and a pedestrian-first walkable neighborhood. For these reasons a robust public realm along University Avenue is essential, despite the building not holding the corners. The following features of the design contribute to a pedestrian friendly experience and environment despite the building not holding the corner: 1) landscape buffer adjacent to the sidewalk along University; 2) 18' sidewalks along University Avenue; 3) lack of curb cuts along University Avenue; 4) direct pedestrian connection between the sidewalk and the primary hotel entrance; and 5) active ground floor use in the hotel along University Avenue.

- (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. The access management policy in the transportation chapter of the comprehensive plan, Policy T-12, along with Ramsey County not allowing direct access to the site via University Avenue present practical difficulties in complying with the zoning code provision. Plus, the existing above ground electrical equipment structure for the Green Line located in right-of-way and an easement at the northwest corner of the site prevents the hotel from being located at that corner. These circumstances require vehicular access to the building to be from side streets forcing the hotel building away from the corners.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The access management policies of the city and county that prohibit direct access to the site from University Avenue, along with the presence of existing above ground electrical equipment structures for the Green Line located in right-of-way and an easement at the northwest corner of the site, are circumstances unique to the property that were not created by the landowner.
- (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 hotel and parking uses proposed are permitted in the existing T4M district. The variance will not permit any use that is not allowed in the zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The landscape buffer along University Avenue, wider sidewalks along University Avenue, lack of curb cuts along University Avenue, direct pedestrian access from the sidewalk to the primary hotel entrance, and active uses on the ground floor of the hotel

on University Avenue contribute to a pedestrian friendly experience and environment despite the hotel building not anchoring the corners.

8. **Variance #5** – Zoning code § 63.110(b) requires above grade window and door openings to comprise at least 15% of the total area of exterior walls facing a public street or sidewalk. A variance is requested to permit 8% window and door openings on the west façade of the hotel and parking garage; 15% required for a variance of 7% (have 1,036 square feet, need 1,934 for a variance of 848 square feet). The applicant states that additional openings on the west façade of the hotel building and parking garage are not feasible and would conflict with the internal layout and function of the hotel rooms and program layout behind the garage wall. They add that including the parking garage's west façade, where an artistic mural is planned in lieu of window and door openings, into the window and door openings calculation contributes to the required openings of the west façade. The applicant states that the hotel and parking garage layouts can meet the window and door openings requirement for the portions of the buildings where the retail or amenities façades are directly adjacent to the public areas, but that it is impractical to comply with the window and door openings requirement for areas of the hotel and parking garage used for the end of hallways, corners of the rooms, restrooms, or back of house operational areas. The applicant states that west façades of both the hotel building and parking garage, with the planned wall graphic, artistic mural, and recessed second floor level combined with the restaurant entry canopy and nearby street trees provide vibrant experiences for pedestrians at ground level and bring the scale of the building down to a comfortable level for people walking along the street.

Zoning code § 61.601 states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding could be met with conditions. Window and door openings help break up building façades and add visual interest and vibrancy. The variance to allow fewer window and door openings than the code requires on the west façade of the hotel and parking garage, without any conditions, is not in harmony with the general purposes and zoning code's intent to have development that reflects the character and urban design of Saint Paul's existing traditional neighborhoods. However, the applicant has taken some steps to include features on the west façades of the hotel and parking garage to help mitigate the effects of the variance. For example, a wall graphic on the west façade of the hotel is planned to add visual interest and an artistic mural on the west façade of the parking garage is planned. By adding the wall graphic and mural to the west facade, the variance can be in harmony with the purposes and intent of the zoning code. Note: the wall graphic and mural shown on the elevations are for illustration purposes only and do not depict the actual content for the spaces. Neither the wall graphic nor the mural may contain text or logos as these elements would constitute signage.
- (b) *The variance is consistent with the comprehensive plan.* This finding could be met with conditions. 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-28 supports pedestrian-friendly streetscapes and visual interest through commercial building design. The entrance to the restaurant and bar is the only ground level opening planned for the hotel's western façade and no openings are planned for the parking garage façade. A single door

opening alone is not sufficient for a transit-oriented development where activating the street and pedestrian friendly environments and experiences is essential. The City Council resolution approving the master plan states that above ground structured parking is permitted provided, at a minimum, it is lined with active uses at street level with entrances on all primary street frontages as design and circulation allows. The applicant states that openings on the west façade of the hotel building and parking garage are not feasible and would conflict with the internal layout and function of the hotel rooms and program layout behind the garage wall. The Snelling Station Area Plan calls for all new development to promote transparency and activity at street level, adding that parking ramps adjacent to primary streets or open spaces should incorporate active uses on the first floor along the street edges (Policy 4.1.1.f.). While active uses are planned for the Spruce Tree Avenue frontage of the parking garage, south façade, no active uses or transparency are planned along the west façade of the garage, though an artistic mural is planned. The requested variance, without conditions, is not consistent with the policies related to high quality urban design, pedestrian friendliness, and activating streetscapes. By adding the planned wall graphic and mural, the variance can be consistent with the comprehensive plan.

- (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. The applicant states that additional openings on the west façade of the hotel building and parking garage would conflict with the internal layout and function of the hotel rooms and program layout behind the parking garage wall, therefore it is impractical to comply with the window and door openings requirement for areas of the hotel and parking garage used for the end of hallways, corners of the rooms, restrooms, or back of house operational areas. A large wall graphic and mural are planned to enhance the west façades.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Because the development comprises an entire city block the applicant has the challenge of designing four active frontages. This is a circumstance unique to the property and not created by the landowner. Due to the nature of the hotel uses and their typical layouts, active uses are focused on the north and south sides making it more challenging to achieve the window and door openings requirements for the east and west facades. They add that achieving the window and door openings requirement for the parking garage is economically not feasible given the expanse of this façade. The applicant states that the hotel and parking garage layouts can meet the window and door openings requirement for the portions of the buildings where the retail or amenities façades are directly adjacent to the public areas, north and south facades, but that it is impractical to comply with the window and door openings requirement for areas of the hotel and parking garage used for the end of hallways, corners of the rooms, restrooms, or back of house operational areas. While it is challenging to design a building with four active sides, the planned wall graphic and mural will help to add vibrancy to the west façades.
- (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 hotel and parking uses proposed are

permitted in the existing T4M district. The variance will not permit any use that is not allowed in the zoning district.

- (f) *The variance will not alter the essential character of the surrounding area.* This finding could be met with conditions. The variance by itself, without any mitigating measures to address the effects of the variance, will alter the essential character of the surrounding area, which, according to the master plan is to be a transit-oriented pedestrian-first walkable neighborhood. The planned wall graphic and mural will help to add vibrancy to the west façades.

9. **Variance #6** – City Council resolution RES 23-1442 requires window and door openings to comprise at least 50% of the length and at least 30% of the area of the ground floor. A variance is requested to permit window and door openings to comprise 6% of length (50% required) and 9% of the area (30% required) on the west façade; (have 10 linear feet, need 88, for a variance of 78 linear feet for the length requirement and have 100 square feet, need 338, for a variance of 238 square feet for the area requirement). The applicant states that the hotel floor plan layout along the west portion of the ground level is back of house and other support spaces for the hotel, noting that this is consistent with the operation of the hotel with the main patron spaces more centrally located around the main lobby. The applicant states that the addition of more openings would not provide any visual connection to the public areas of the hotel and would prove to be an added cost for no benefit. The applicant states that a similar situation exists for the west façade of the parking garage that is separated from Asbury Street by the outdoor green space and setback approximately 190'. The applicant states that since the ramp to the parking levels and back of house uses exist along this wall, the addition of openings along this area would conflict with the interior spaces. They add that since a public walk is not required operationally along the parking garage façade, the need for openings does not exist. The applicant's intent is to provide an artistic mural on the west façade of the parking garage to enhance the public space, as shown on the building elevation. The applicant states that additional openings would conflict with the mural. The applicant states that the hotel and parking garage layouts can meet the requirement in the portions of the buildings where the retail or amenities façades are directly adjacent to the public areas but that it is impractical to comply with the requirement for areas of the hotel and parking garage used for the end of hallways, corners of the rooms, restrooms, or back of house operational areas.

Zoning code § 61.601 states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.*
This finding could be met with conditions. Window and door openings help break up building façades and add transparency, visual interest and vibrancy at street level to enhance the pedestrian environment and experience. The openings planned for the west façade are all on the hotel portion of the building and include the entry to the restaurant and lounge at street level, second story amenity space, hallway of floors three to seven, and studio guest rooms on the eighth floor. No openings are planned for the west façade of the parking garage portion of the building. The variance to allow fewer ground floor window and door openings than the resolution approving the master plan requires, without any conditions, is not in harmony with the general purposes and intent of the zoning code to have development that reflects the character and urban design of Saint Paul's existing traditional neighborhoods. However, the applicant has taken steps

to include features on the west façades of the hotel and parking garage to help mitigate the effects of the variance. For example, a wall graphic on the west façade of the hotel is planned to add visual interest and vibrancy and an artistic mural on the west façade of the parking garage is planned. By adding the planned wall graphic and mural, the variance can be in harmony with the purposes and intent of the zoning code.

- (b) *The variance is consistent with the comprehensive plan.* This finding could be met with conditions. 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. The restaurant/lounge entrance along Asbury Street is the only ground floor opening along the west façade of the hotel. A single door opening alone is not sufficient for a transit-oriented development where activating the street and pedestrian friendly environments and experiences is essential. The City Council resolution approving the master plan states that above ground structured parking is permitted provided, at a minimum, it is lined with active uses at street level with entrances on all primary street frontages as design and circulation allows. The applicant states that the program areas on this side of the parking garage are service areas for the hotel as well as circulation space for the garage, adding that more openings would not align with the function of the perimeter internal area. The Snelling Station Area Plan calls for all new development to promote transparency and activity at street level, adding that parking ramps adjacent to primary streets or open spaces should incorporate active uses on the first floor along the street edges (Policy 4.1.1.f.). While active uses are planned for the Spruce Tree Avenue frontage of the parking garage, south façade, no transparency is planned along the west façade of the garage, though there are active uses are planned here. The variance, without conditions, is not consistent with the policies related to high quality urban design, pedestrian friendliness, and activating streetscapes. By adding the planned wall graphic and mural to the west façade the variance can be consistent with the comprehensive plan.
- (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. The applicant states that the layout of the western portion of the ground floor level is occupied by back of house activities and other support spaces in the hotel and parking garage that do not have or need window or door openings. The applicant adds that the addition of more openings would not provide any visual connection to the public areas of the hotel, would conflict with the mural planned for the west façade of the parking garage, and would prove to be an added cost for no benefit.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Because the development comprises an entire city block the applicant has the challenge of designing four active frontages. This is a circumstance unique to the property and not created by the landowner. Due to the nature of the hotel uses and their typical layouts, active uses are focused on the north

and south sides making it more challenging to achieve the window and door openings requirements for the east and west façades. The applicant states that the hotel and parking garage layouts can meet the window and door openings requirement for the portions of the buildings where the retail or amenities façades are directly adjacent to the public areas, north and south façades, but that it is impractical to comply with the window and door openings requirement for areas of the hotel and parking garage used for the end of hallways, corners of the rooms, restrooms, or back of house operational areas. While it is challenging to design a building with four active sides, the wall graphic and mural planned for the west façade will enhance street level vibrancy.

- (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 hotel and parking uses proposed are permitted in the existing T4M district. The variance will not permit any use that is not allowed in the zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding could be met with conditions. The variance by itself, without any mitigating measures to address the effects of the variance, will alter the essential character of the surrounding area, which, according to the master plan is to be a transit-oriented pedestrian-first walkable neighborhood. In its narrative accompanying the variance application the applicant refers to additional treatments for the façade to accentuate color, brand, and wayfinding for the hotel such as plantings, street furnishings, fittings, signage, canopies, lighting and architectural detail that translate to human scale and environs. However, no specifics are included on the plans so it is unclear what and where such treatments would be employed. By adding the planned wall graphic and mural and additional design treatments, the variance will not alter the essential character of the surrounding area.

10. **Variance #7** – City Council resolution RES 23-1442 requires window and door openings to comprise at least 50% of the length and at least 30% of the area of the ground floor. A variance is requested to permit window and door openings to comprise 31% of length (50% required) and 16% of the area (30% required) on the east façade; (have 54 linear feet, need 88, for a variance of 34 linear feet for the length requirement and have 433 square feet, need 792, for a variance of 359 square feet for the area requirement). The applicant states that for the east façade of the parking garage a similar situation to the west garage façade exists where the program areas on this side of the garage are back of house and service areas for the hotel as well as circulation space for the garage. They add that introduction of more openings would not align with the function of these perimeter areas. The applicant states that the hotel and parking garage layouts can meet these requirements in the portions of the building where the retail or amenities façades are directly adjacent to the public areas but that it is impractical to comply with the required window and door openings percentage for areas of the hotel and parking garage used for the end of hallways, corners of the rooms, restrooms, or back of house operational areas.

Zoning code § 61.601 states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.*
This finding could be met with conditions. Window and door openings help break up building façades and add interest and vibrancy at street level to enhance the pedestrian environment and experience. The variance to allow fewer ground floor window and door

openings than the resolution approving the master plan requires, without any conditions, is not in harmony with the general purposes and intent of the zoning code to have development that reflects the character and urban design of Saint Paul's existing traditional neighborhoods. The applicant has not taken sufficient steps in the design of the east façade to mitigate for the effects of the variance. The openings planned for the east façade include a staircase, restrooms, parking garage entry, and loading/trash entry. None of these openings are for active uses. A meeting room is planned for the northeast corner of the hotel. A window should be added along this portion of the façade. A window would add transparency and vibrancy at street level and help break up the massing of the façade. By adding a window to the northeast portion of the hotel and additional building design treatments, the variance can be in harmony with the purposes and intent of the zoning code.

- (b) *The variance is consistent with the comprehensive plan.* This finding could be met with conditions. 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. None of the openings along the east façade are for active uses. The City Council resolution approving the master plan states that above ground structured parking is permitted provided, at a minimum, it is lined with active uses at street level with entrances on all primary street frontages as design and circulation allows. The applicant states that the program areas on this side of the garage are service areas for the hotel as well as circulation space for the garage, adding that more openings would not align with the function of the perimeter internal area. The Snelling Station Area Plan calls for all new development to promote transparency and activity at street level, adding that parking ramps adjacent to primary streets or open spaces should incorporate active uses on the first floor along the street edges (Policy 4.1.1.f.). While active uses are planned for the Spruce Tree Avenue frontage of the parking garage, south façade, no active uses or transparency are planned along the east façade of the garage. As noted in the discussion above, there is an opportunity to add a window to an active space area along the east façade. The variance, without an additional opening, is not consistent with the policies related to high quality urban design, pedestrian friendliness, and activating streetscapes. However, by adding a window and additional building design treatments, the variance can be consistent with the comprehensive plan.
- (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. The applicant states that the program areas on this side of the building are service areas for the hotel as well as circulation space for the garage, adding that more openings would not align with the function of the perimeter internal area.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Because the development comprises an entire city block the applicant has the challenge of designing four active frontages. This is a

circumstance unique to the property and not created by the landowner. Due to the nature of the hotel uses and their typical layouts, active uses are focused on the north and south sides making it more challenging to achieve the window and door openings requirements for the east and west facades. The applicant states that the hotel and parking garage layouts can meet the window and door openings requirement for the portions of the buildings where the retail or amenities façades are directly adjacent to the public areas, north and south facades, but that it is impractical to comply with the window and door openings requirement for areas of the hotel and parking garage used for the end of hallways, corners of the rooms, restrooms, or back of house operational areas. While it is challenging to design a building with four active sides, especially when one of the sides has mostly back of house uses and provides access for the parking ramp and deliveries/trash, there is an opportunity to add a window to active space area in the hotel and include additional building design treatments to enhance street level vibrancy.

- (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 hotel and parking uses proposed are permitted in the existing T4M district. The variance will not permit any use that is not allowed in the zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding could be met with conditions. The variance by itself, without any mitigating measures to address the effects of the variance, will alter the essential character of the surrounding area, which, according to the master plan is to be a transit-oriented pedestrian-first walkable neighborhood. Simpson Street runs along the east façade of the building and is the primary pedestrian entrance to United Village for Green Line transit riders exiting at the eastbound Snelling Station platform. These pedestrians deserve a robust public realm that is safe, comfortable, and vibrant. Staff agrees with the assessment that back of house uses present practical difficulties but there is an opportunity to add a window to an active space area in the hotel and include additional building design treatments to the east façade to enhance street level comfort, safety, and vibrancy along Simpson Street. In its narrative accompanying the variance application the applicant refers to additional treatments for the façade to accentuate color, brand, and wayfinding for the hotel such as plantings, street furnishings, fittings, signage, canopies, lighting and architectural detail that translate to human scale and environs. However, no specifics are included on the plans so it is unclear what or where such treatment would be employed. More effort needs to be put into designing the building façade to add transparency and vibrancy, including windows in the northeast corner of the hotel.

11. **Variance #8** – Zoning code 66.323(b)(9), building facade articulation, is a Traditional Neighborhood design standard that requires the bottom 25' of buildings to include elements that relate to the human scale. These should include doors and windows, texture, projections, awnings and canopies, ornament, etc. The applicant states that the ground floor level material palette of brick and storefront combined with adjacent street trees bring the scale of the building down to a comfortable level for people walking along this street. There will be wayfinding signage on this façade to direct patrons to the garage entrance as well as those servicing the hotel to the loading dock. The all-glass stair/elevator tower at the south end of this façade serves as a beacon to pedestrians as the entrance to the garage while offering visual interest and light to the immediate area. The exterior façade material

above 14' is primarily a perforated metal panel system that provides screening of the parking behind but also allows ventilation for the garage as required by code. The applicant states that the program areas on the east side of the building are service areas for the hotel as well as circulation space for the garage, adding that the introduction of more openings and other articulation would not align with the function of these perimeter internal areas. In its narrative accompanying the variance application the applicant refers to additional treatments for the façade to accentuate color, brand, and wayfinding for the hotel such as plantings, street furnishings, fittings, signage, canopies, lighting and architectural detail that translate to human scale and environs. However, no specifics are included on the plans as to what and where additional treatments are planned so it is unclear what the intentions are for the east facade.

Zoning code § 61.601 states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon finding that:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.*

This finding could be met with conditions. The bottom 25' of a building's façade is particularly important in creating the look and feel of the pedestrian environment. Transparency afforded by window and door openings and other elements of the building design contribute to a sense of comfort and safety for pedestrians and add visual interest and vibrancy at street level to enhance the pedestrian experience. These design elements also help break up building façade. The variance to allow the eastern façade as proposed, without any conditions, is not in harmony with the general purposes and intent of the zoning code to have development that reflects the character and urban design of Saint Paul's existing traditional neighborhoods. The applicant has not taken sufficient steps in the design of the east façade to mitigate for the effects of the variance. An additional opening for the east façade is recommended to provide transparency and visual interest at ground level. There are other design treatments that can be added, which the applicant notes in its narrative, but does not elaborate on what or where these design treatments would be employed. The sizeable façade for the parking garage can make articulation more challenging to relate to the human scale. More decorative detailing or fenestration above the 14' mark of the garage is needed to help break up the massing at street level. By adding a window as previously recommended and incorporating additional design treatments to address the public realm, the variance can be in harmony with the purposes and intent of the zoning code.

(b) *The variance is consistent with the comprehensive plan.* This finding could be met with conditions. 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. None of the openings along the east façade are for active uses. The City Council resolution approving the master plan states that above ground structured parking is permitted provided, at a minimum, it is lined with active uses at street level with entrances on all primary street frontages as design and circulation allows. The applicant states that the program areas on the east side of the parking garage are service areas for the hotel as well as circulation space for the garage, adding that more openings would not align with

the function of the perimeter internal area. The Snelling Station Area Plan calls for all new development to promote transparency and activity at street level, adding that parking ramps adjacent to primary streets or open spaces should incorporate active uses on the first floor along the street edges (Policy 4.1.1.f.). While active uses are planned for the Spruce Tree Avenue frontage of the parking garage, south façade, no active uses or transparency are planned along the east façade of the garage. As noted in the discussion above there is an opportunity to add a window to an active space area in the hotel. Additional design treatments are recommended for the east façade to enhance the public realm. The variance, without an additional window and design treatments is not consistent with the policies related to high quality urban design, pedestrian friendliness, and activating streetscapes. By adding a window and design treatments, the variance can be consistent with the comprehensive plan.

- (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. The applicant states that the program areas on the east side of the building are service areas for the hotel as well as circulation space for the garage, that more openings would not align with the function of the perimeter internal area, and that to apply the openings and other architectural elements to portions of the east elevation relating to back of house operational areas or parking garage levels is impractical to achieve. While the applicant has established there are some practical difficulties in complying with the provision, more can be done with the façade design to mitigate for the effects of the variance because as designed there is little transparency, visual interest, or vibrancy along the east façade. The layout of interior spaces in the building may present practical difficulties, but there is a location where a window could be added and opportunity to include design treatments to enhance the pedestrian environment that were mentioned in the application but not elaborated upon or incorporated to the plans.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Because the development comprises an entire city block the applicant has the challenge of designing four active frontages. This is a circumstance unique to the property and not created by the landowner. Due to the nature of the hotel uses and their typical layouts, active uses are focused on the north and south sides making it more challenging to achieve the building façade articulation requirement for the east facade. While it is challenging to design a building with four active sides, especially when one of the sides has mostly back of house uses and provides access for the parking ramp and deliveries/trash, there are opportunities to do more than is proposed in the project design. A few design changes, as suggested in previous findings, would yield an additional window and a more robust public realm.
- (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 hotel and parking uses proposed are permitted in the existing T4M district. The variance will not permit any use that is not allowed in the zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding could be met with conditions. The variance by itself, without any mitigating measures to address the effects of the variance, will alter the essential character of the surrounding

area, which, according to the master plan is to be a transit-oriented pedestrian-first walkable neighborhood. Simpson Street runs along the east façade of the building and is the primary pedestrian entrance to United Village for Green Line transit riders exiting at the eastbound Snelling Station platform. These pedestrians deserve a robust public realm that is safe, comfortable, and vibrant. Staff agrees with the assessment that back of house uses present practical difficulties but there is an opportunity to add a window and include building design treatments to enhance street level comfort, safety, and vibrancy along Simpson Street. In its narrative accompanying the variance application the applicant refers to additional treatments for the façade to accentuate color, brand, and wayfinding for the hotel such as plantings, street furnishings, fittings, signage, canopies, lighting and architectural detail that translate to human scale and environs. However, no specifics are included on the plans about what and where such treatments could be employed. The applicant's plan for these treatments should be evaluated for adequacy by the Zoning Administrator during site plan review. The sizeable façade for the parking garage can make articulation more challenging to relate to the human scale. More decorative detailing or fenestration above the 14' mark of the garage is needed to help break up the massing at street level. By adding a window and incorporating more building design treatments to the east façade to enhance the public realm, the variance will not alter the essential character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the following applications of Snelling-Midway Redevelopment LLC, for a conditional use permit for maximum building height of 90'; with variances for structure step backs, front yard setback, building anchoring the corners, above grade window and door openings, and building façade articulation, at 1566 University Avenue West (temporary address) are hereby approved, subject to the following conditions:

1. Conditional use permit for additional height to permit a building height of 90', subject to the following conditions:
 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
 2. The United Village Final Plat shall be approved by the City Council and recorded with the county recorder and/or registrar of titles.
 3. Variances related to building placement, window and door openings, and building façade articulation are approved.Vote on motion for approval: 10 in favor and 0 against
2. Variance #1 to permit the building to be stepped back 1' on the Asbury side (6' required and 1' proposed for a variance of 5'), subject to the following conditions:
 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
 2. The United Village Final Plat shall be approved by the City Council and recorded with the county recorder and/or registrar of titles.Vote on motion for approval: 12 in favor and 0 against
3. Variance #2 to permit a 44.4' front yard setback for the hotel building (10' maximum setback required for a variance of 34.4'), subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
 2. The United Village Final Plat shall be approved by the City Council and recorded with the county recorder and/or registrar of titles.
 3. There shall be a direct pedestrian connection between the sidewalk along University Avenue and the primary hotel entrance. The connection shall be reviewed and approved by Public Works.
 4. There shall be a landscape buffer between the sidewalk along University Avenue and the driveway.
 5. There shall be a sidewalk width of 18' along University Avenue.
- Vote on motion for approval: 10 in favor and 2 against (Reilly, Taghioff)

4. Variance #4 to permit the building to be setback and not anchor the corners at University & Asbury and University & Simpson, subject to the following conditions:
 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
 2. The United Village Final Plat shall be approved by the City Council and recorded with the county recorder and/or registrar of titles.
 3. There shall be a direct pedestrian connection between the sidewalk along University Avenue and the primary hotel entrance. The connection shall be reviewed and approved by Public Works.
 4. There shall be a landscape buffer between the sidewalk along University Avenue and the driveway.
 5. There shall be a sidewalk width of 18' along University Avenue.
- Vote on motion for approval: 9 in favor and 3 against (Reilly, Ortega, Taghioff)

5. Variance #5 of zoning code § 63.110(b) regarding window and door openings on the west façade, subject to the following conditions:
 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
 2. The United Village Final Plat shall be approved by the City Council and recorded with the county recorder and/or registrar of titles.
 3. A wall graphic and lighting shall be installed on the west façade of the hotel portion of the building; this façade shall be lit at dusk.
 4. A mural shall be installed on the west façade of the parking garage portion of the building within one year of the issuance of the certificate of occupancy. The mural shall be lit at dusk.
 5. Additional openings shall be added to the west façade of the hotel building on floors 3 through 7.
- Vote on a motion to approve: 6 in favor and 5 against (Hackney, Johnson Becker, Ortega, Reilly, Taghioff)

6. Variance #6 of City Council Resolution RES 23-1442 regarding the length and area of window and door openings on the ground floor of the west façade, subject to the following conditions:
 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
 2. The United Village Final Plat shall be approved by the City Council and recorded with the county recorder and/or registrar of titles.

3. A wall graphic and lighting shall be installed on the west façade of the hotel portion of the building; this façade shall be lit at dusk.
4. A mural shall be installed on the west façade of the parking garage portion of the building within one year of the issuance of the certificate of occupancy. The mural shall be lit at dusk.
5. Additional design treatments/elements and articulation to activate the hotel portion of the west façade shall be added. Design treatments/elements and articulation that relate to the human scale may include but are not limited to, plantings, street furnishings, canopies/awnings/projections, lighting, doors/windows, texture, ornamentation, and architectural detail. The adequacy of the treatments shall be determined by the Zoning Administrator during review of the site plan.
6. A connection between the ground level retail space in the parking garage and the open green space to the west shall be provided to activate the open green space. The adequacy of the connection and activation shall be determined by the Zoning Administrator during review of the site plan.

Vote on motion to approve: 7 in favor and 3 against (Ortega, Reilly, Taghioff)

7. Variance #7 of City Council Resolution RES 23-1442 regarding the length and area of window and door openings on the ground floor of the east façade, subject to the following conditions:
 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
 2. The United Village Final Plat shall be approved by the City Council and recorded with the county recorder and/or registrar of titles.
 3. A window facing Simpson Street shall be added to the ground floor meeting room at the northeast corner of the hotel building.
 4. Additional design treatments/elements and articulation to activate the east façade shall be added. Design treatments/elements and articulation that relate to the human scale may include but are not limited to, plantings, street furnishings, canopies/awnings/projections, lighting, doors/windows, texture, ornamentation, and architectural detail. The adequacy of the treatments shall be determined by the Zoning Administrator during review of the site plan.

Vote on motion to approve: 10 in favor and 0 against

8. Variance #8 related to building articulation of the east façade, subject to the following conditions:
 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
 2. The United Village Final Plat shall be approved by the City Council and recorded with the county recorder and/or registrar of titles.
 3. A window facing Simpson Street shall be added to the ground floor meeting room at the northeast corner of the hotel building.
 4. Additional design treatments/elements and articulation to activate the east façade shall be added. Design treatments/elements and articulation that relate to the human scale may include but are not limited to, plantings, street furnishings, canopies/awnings/projections, lighting, doors/windows, texture, ornamentation, and architectural detail. The adequacy of the treatments shall be determined by the Zoning Administrator during review of the site plan.

Vote on motion to approve: 10 in favor and 0 opposed

BE IT FURTHER RESOLVED that the application for variance of § 66.342(a)(2) that states that entrance drives may occupy no more than 60' of total lot frontage, proposal for a driveway with 322' of lot frontage along University Avenue resulting in a variance of 262' (Variance #3), is hereby denied because it does not comply with findings 6(a), 6(b), and 6(c).

Vote on motion for denial: 10 in favor and 2 against (Holst, Starling)