



Tia Anderson  
City of St. Paul, Department of Safety and Inspections  
375 Jackson Street  
St. Paul, MN 55101  
VIA EMAIL: Tia.Anderson@ci.stpaul.mn.us

Ms. Anderson,

As the public City Council meeting on July 22<sup>nd</sup> does not accommodate the opportunity for us to present to the Council we have prepared the following public comment to our variance appeal application for 2170 Ford Parkway ABZA 20-3. These comments illustrate the circumstances and conditions surrounding the two variance appeal requests, one for lot coverage and one for car sharing, and demonstrate that the BZA erred in their findings when they denied these variances based on Findings 3 (practical difficulty in compliance and property will be used in a reasonable manner) and Finding 4 (circumstances unique to the property not created by landowner).

The lot coverage variance is required to realize the goal of a commercial anchored mixed-use building as the first development on the site. This goal was established and codified through inclusion in the Redevelopment Agreement between the city of Saint Paul & HRA for Highland Bridge and adopted by the City Council. There are practical difficulties and conditions not created by the landowner that create the basis for the variance request. The BZA erred in their findings by not recognizing these circumstances. The unique specifications of a grocery user- large, flat floorplates along with parking embedded within the structure- necessitate greater lot coverage due to the location of bedrock below underground parking level one at the site. Further, the uniqueness of items in the Redevelopment Agreement- including the classification of Outlot A outside of the property boundaries- and the Master Plan- including three density measures- create practical difficulties for compliance without a variance.

The car share variance was requested as there is currently no viable car sharing provider for the site. The BZA erred in their finding that there was no practical difficulty as without a provider car sharing is not possible. The Master Plan language recognizes the potential practical difficulty in obtaining a car sharing partner, noting "A future amendment may be submitted before April 10, 2029 if no car-share operator is secured or the space is not used for other shared modes such as bicycles or scooters." (P62). We are not requesting a Master Plan amendment and are working with the City on implementing car sharing at Highland Bridge in the future. However, at the present time there is not an operator who is able to provide a car sharing program in the Block 3 Lot 1 project.

2170 Ford Parkway will serve as an anchor development for Highland Bridge. Through its mixed-uses and grocery tenant, this project will provide both energy and momentum to the area and will function as a positive step towards achieving the goals for the master plan. These variances are critical to the viability of this project and due to errors in BZA findings, illustrated in our appeal application and attached here, we request Council adopt the original staff report recommending approval of variances for 2170 Ford Parkway.

Sincerely,  
Joseph Peris, Real Estate Development Manager

CC: Matthew Graybar, YaYa Diatta, CM Chris Tolbert, CM Rebecca Noecker, CM Mitra Jalali, CM Amy Brendmoen, CM Nellie Yang, CM Dai Thao, & CM Jane Prince, Melanie McMahon

Enclosures



# Aerial of Ryan Development Plan

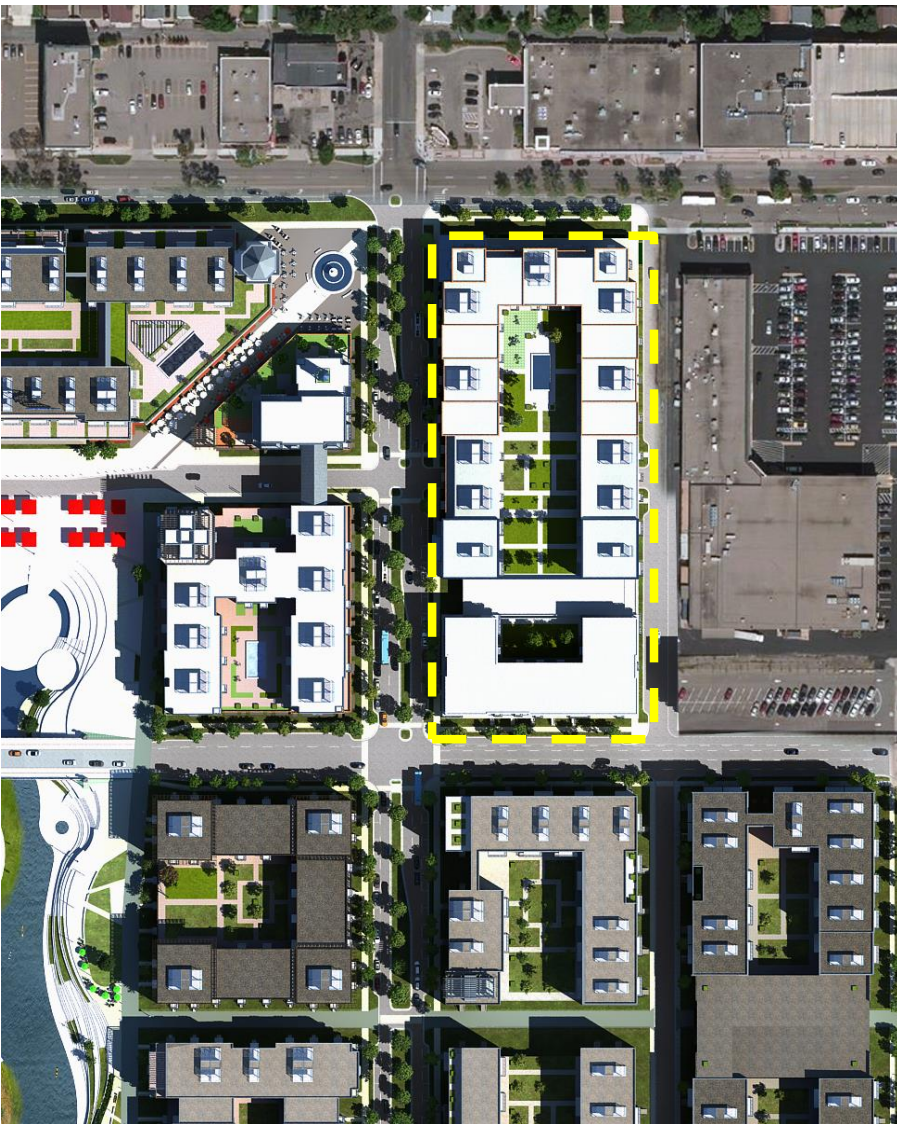


The plan on which the Redevelopment Agreement was based, after extensive community engagement by Ryan, shows conceptual lot coverages for the site. With areas of greater lot coverage along Ford Parkway near the Urban Plaza and Civic Square in the F5 Zoning (Business Mixed Use) District.

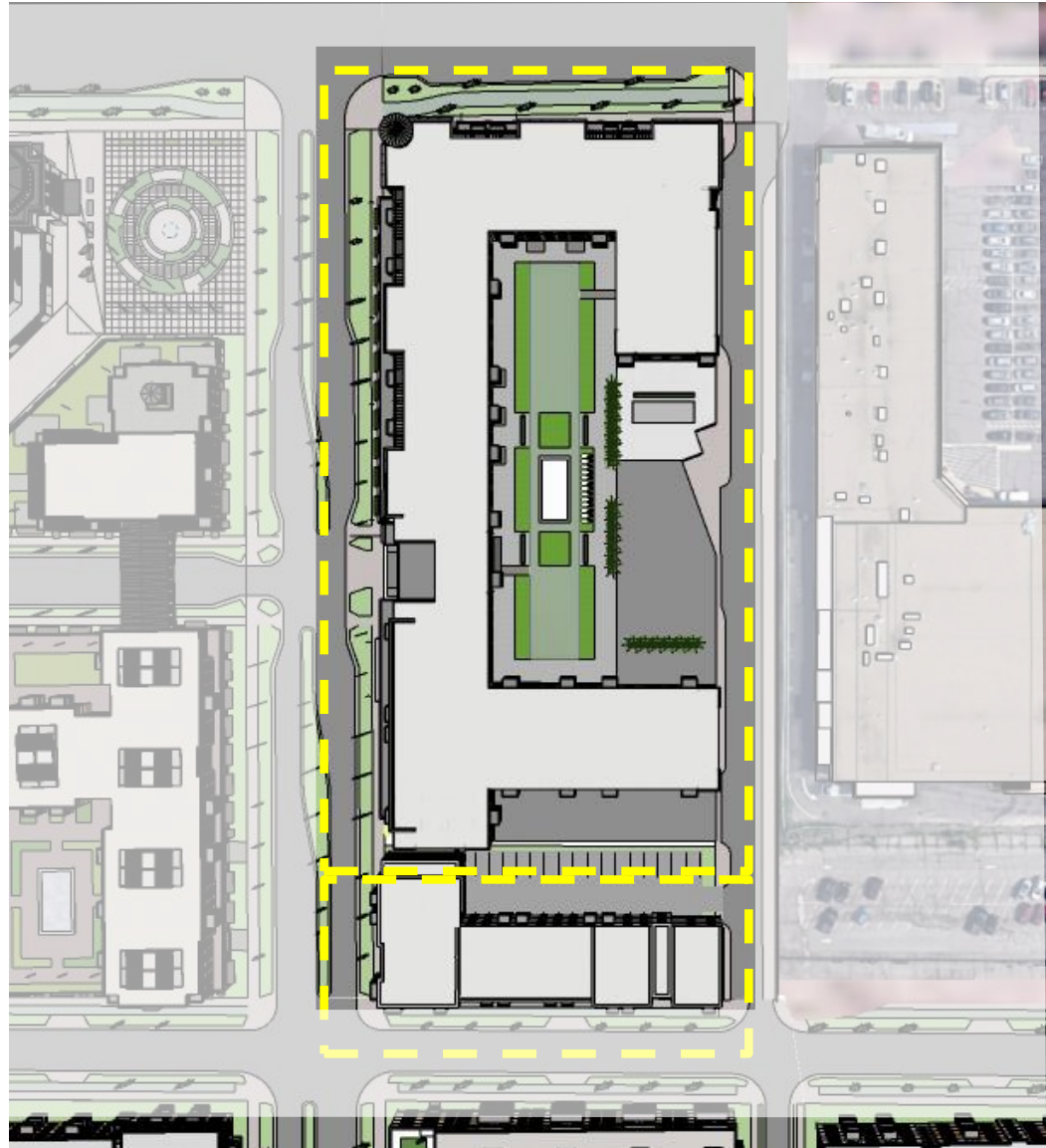




Original



Current Proposal



Both plans show buildings massed to property lines and above grade central courtyard features to accommodate first floor grocery and parking uses.





## Ford Master Plan F5 Zoning Precedent Images:

Precedent Images for the F5 Zoning District, located along Ford Parkway, indicate mixed use buildings oriented to the lot lines with greater lot coverage and embedded parking. *(These are the actual images in the Master Plan.)*



# Variance – Building Lot Coverage

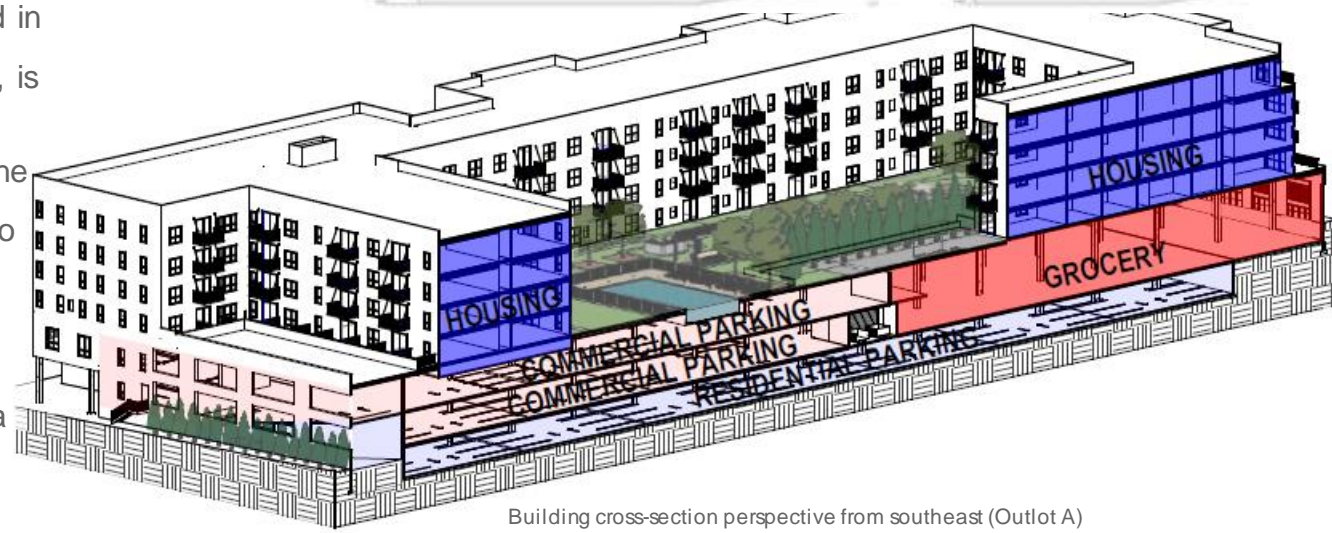
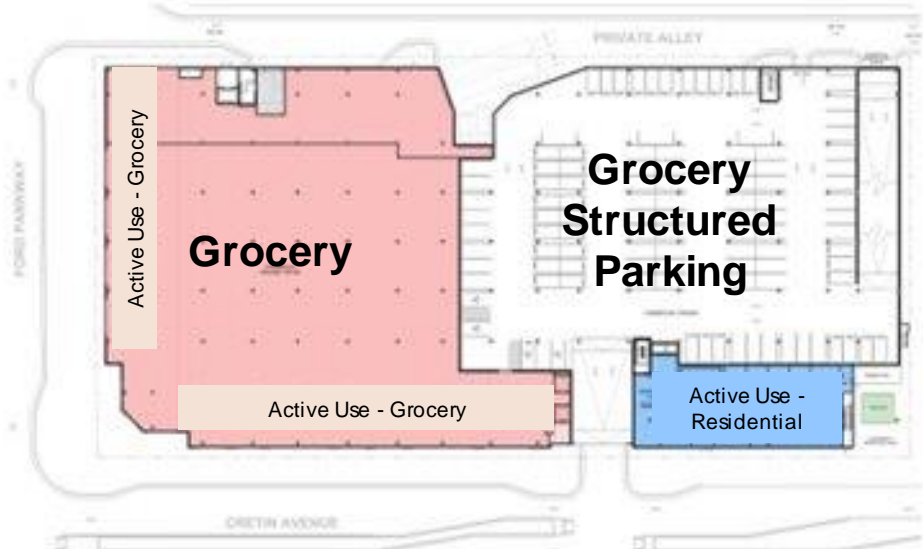


Master Plan currently allows for a maximum building lot-coverage of 70%

**Project requested a variance to allow for a building lot coverage of 90.3%. Without a variance the project will not be able to accommodate a large commercial user as was intended in the adopted Redevelopment Agreement.**

**The BZA Erred in:**

- Their denial of the variance (based on Findings 3 & 4) did not recognize the practical difficulties and complexity of space requirements for a large, commercial anchored mixed-use project. The grocery lease requires 226 parking stalls of which 22 must be public per the Master Plan. There are 210 residential stalls, all below grade, for 230 units. An example project on a similar size site with identical uses further illustrated precedent lot coverage and use requirements.
- Their denial of the variance (based on Findings 3 & 4) did not distinguish that, while there is not bedrock in level one of the below grade parking, (indicated at BZA hearing by applicant) there is bedrock directly below level one (as indicated in both the application and staff report), therefore adding an additional level of underground parking is impractical. This circumstance, not created by applicant, is unique to the property and the proposed use is reasonable.
- Not recognizing Highland Bridge is more restrictive than other zoning areas of the city, with multiple layered density requirements- lot coverage, open space and FAR- a unique circumstance not created by the landowner (Finding 4). This also creates a practical difficulty (Finding 3). The proposed building is in compliance with FAR and open space, both measures of density and uses the property in a reasonable manner (Finding 3).
- Conflating the open space variance (which is met by the project) with the lot coverage variance. This increased lot coverage request does not correlate to a loss of public and private open space.



Building cross-section perspective from southeast (Outlot A)

**Variance Request Supported by City Staff & Neighborhood District Council**





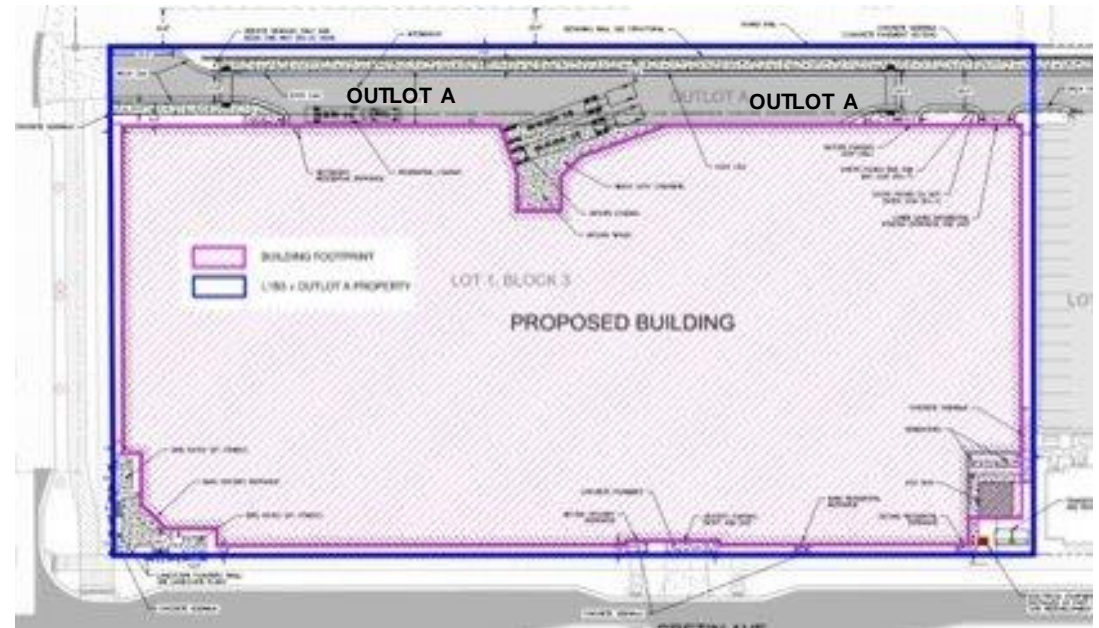
## Precedent: Vintage on Selby

- The BZA erred in not acknowledging that commercial anchored mixed-use requirements elsewhere have shown what similar needs would be at Highland Bridge. This is a practical difficulty and a reasonable use (Finding 3) as the Redevelopment Agreement includes a large, commercial anchored mixed-use project at this location.
- This commercial anchored mixed-use project example has a similar lot size.
- This project embeds structured parking behind residential & grocer active use along Selby & Snelling. 2170 Ford Pkwy will do the same along Ford Pkwy & Cretin
- Building Lot Coverage is 87% (FAR regulates density in this example project in a T3 zoning district. Lot Coverage is not a criteria established in T3 zoning. 2170 Ford complies with FAR requirement in the F5 district at Highland Bridge.)



## Outlot A

- The BZA erred in not acknowledging staff's report indicating that excluding Outlot A in lot coverage calculations is due to unique circumstances outlined in the RDA. This Outlot is required to be subdivided into a separate parcel and deeded to the city; however, it is not platted right of way. This is not a circumstance created by the applicant and is unique to this property (Finding 4).
- Factoring in Outlot A, the Block 3 Lot 1 Project will have a lot coverage of 78.3%
- Factoring in all of Block 3 (Lot 1 + Lot 2 + Outlot A), the collective Block will have a lot coverage of 73.0%





Building use and density align with Master Plan precedent images and land use objectives. City Redevelopment Agreement presumes site-use as a large, commercial-anchored mixed-use building. Meeting this requirement is unique to the property and not self-created by the applicant.

The BZA erred in not finding that the variance request complies with Finding 3 & Finding 4.

- Finding 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.
- Finding 4 – The plight of the landowner is due to circumstances unique to the property not created by landowner.

Findings 3 and 4 are met because:

- Commercial anchored mixed-use projects have complex spatial challenges, due to their large flat floorplates and parking requirements, which were illustrated by the precedent project example provided.
  - *These circumstances are unique to the use and create a practical difficulty (Finding 3). These requirements are not created by the applicant (Finding 4)*
- Highland Bridge zoning is more restrictive than other similarly zoned areas in the city in that there are three density measures imposed by the district (FAR, Open Space, Lot Coverage) versus a standard single requirement (FAR)
  - *This condition creates a practical difficulty in using the property in a reasonable manner (Finding 3) and is not due to circumstances created by the applicant (Finding 4)*
- Exclusion of Outlot A in lot coverage calculations due to unique circumstances outlined in the RDA
  - *This condition creates a practical difficulty in using the property in a reasonable manner (Finding 3) and is not due to circumstances created by the applicant (Finding 4)*
- Existence of bedrock below the project's first level of underground parking makes it practically difficult to build a second level of underground parking
  - *This condition creates a practical difficulty in using the property in a reasonable manner (Finding 3) and is not due to circumstances created by the applicant (Finding 4)*

Due to errors in BZA findings Council should adopt the original staff report recommending approval of variances for 2170 Ford Parkway.



Master Plan currently requires designated on-site car-share parking in each project.

**BZA denied the variance request based on no practical difficulty (Finding 3). They erred because:**

Hour Car is currently the only provider in the Saint Paul area.

Hour Car is pivoting to an EV Hub network, they are no longer adding out-and-back car share stations.

Hour Car does not presently have resources to implement an EV Hub network in place.

**Therefore, the no provider is presently able to provide car sharing at the site, creating a practical difficulty requiring the variance.**

Ryan is in continued conversations with the City of Saint Paul and committed to deliver a car sharing hub within the Ford Site.



**Variance Request Supported by City Staff & Neighborhood District Council**





The BZA erred in not finding practical difficulties (Finding 3). Finding 3 is met by:

- No provider is presently able to provide car sharing at the site
  - *This condition creates a practical difficulty in using the property in a reasonable manner (Finding 3)*

Due to errors in BZA findings Council should adopt the original staff report recommending approval of variances for 2170 Ford Parkway.