CITY OF SAINT PAUL
Deadline for Action: March 17, 2025
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 24-096392
DATE: January 6, 2025 & January 21, 2025

WHEREAS, Sean Ryan for Ryan Companies US, Inc. has applied for variances from the strict application of the provisions of the Saint Paul Legislative Code Section 66.931 pertaining to the floor area ratio requirement and building height minimum and Section 66.945(c) pertaining to the Ford Site Zoning and Public Realm Master Plan design standards regarding window and door or opening requirements in order to construct a new commercial building on this vacant property. Six zoning variances are requested: 1.) A floor area ratio (FAR) minimum of 2.0 is required; a FAR of 0.3 is proposed, for a variance of 1.7. 2.) A minimum building height of 40 feet is required; 18 feet is proposed, for a variance of 22 feet. 3.) The Ford Site Zoning and Public Realm Master Plan Design Standard G15 requires at least fifty (50) percent of the length and at least thirty (30) percent of the area of the ground floor along addressed sides of the building and sides that face open space to consist of windows and doors or openings for new commercial buildings; 40% of the length and 15% of the area is proposed along the south side, for variances of 10% and 15% respectively. 4-6.) The Ford Site Zoning and Public Realm Master Plan Design Standard S12 requires the bottom 12 feet of portions of the ground floor not dedicated to residential units along urban center frontage to be a minimum of 65% transparent glazing; 50% is proposed for the northern façade, 45% is proposed for the eastern façade, and 25% is proposed for the northwest façade, for variances of 15%, 20%, and 40% respectively in the F5 zoning district at 0 Cretin Avenue South PIN: 172823120095; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on December 9, 2024 pursuant to said application in accordance with the requirements of Section 61.303 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

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

   The applicant is proposing to construct a commercial building on this vacant property in the F5 Business Mixed District. Six zoning variances are requested: 1.) A floor area ratio (FAR) minimum of 2.0 is required; a FAR of 0.3 is proposed, for a variance of 1.7. 2.) A minimum building height of 40 feet is required; 18 feet is proposed, for a variance of 22 feet. 3.) The Ford Site Zoning and Public Realm Master Plan Design Standard G15 requires at least fifty (50) percent of the length and at least thirty (30) percent of the area of the ground floor along addressed sides of the building and sides that face open space to consist of windows and doors or openings for new commercial buildings; 40% of the length and 15% of the area is proposed along the south side, for variances of 10% and 15% respectively. 4-6.) The Ford Site Zoning and Public Realm Master Plan Design Standard S12 requires the bottom 12 feet of portions of the ground floor not dedicated to residential units along urban center frontage to be a minimum of 65% transparent glazing; 50% is proposed for the northern façade, 45% is proposed for the eastern façade, and 25% is proposed for the northwest façade, for variances of 15%, 20%, and 40% respectively.

The proposed commercial building is consistent with the purpose and intent of the F5 business mixed district to provide for a variety of multi-family residential, retail, dining, office and service establishments, with buildings oriented to public right-of-way, and ground floor activity that transitions between outdoor public spaces and indoor uses. The proposed commercial building with the requested variances is consistent with the purpose and intent of Section 60.103 of the zoning code to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community. **This finding is met for all the requested variances.**

2. *The variance is consistent with the comprehensive plan.*

Variance Requests 1 (Floor Area Ratio) and 2 (Height)

The proposed reduced floor area ratio and height reductions are inconsistent with the Ford Site Zoning and Public Realm Master Plan Design vision statement that the redevelopment will balance economic, social and environmental sustainability. . .while advancing the City's economic wealth and community goals, resulting in a forward-thinking 21st Century development. It would be contrary to a guiding principle in the same plan to develop a mix of services and amenities. . .to reduce auto dependency. In addition, these requests are in conflict with a statement regarding transportation choice, "…to support transit through and around the site" and that the site should contain "urban design and site layout to reduce auto trips and manage traffic impacts."

These variance requests are also in conflict with a portion of the Building Placement, Scale & Design Section in the Master Plan, which states that, "buildings shall be scaled to utilize the developable opportunities of the lot, within the minimum and maximum Floor Area Ratio standards for the district." The board asserts that the development is not in compliance with the bicycle parking ordinance nor with Ford Site Zoning and Public Realm Master Plan, Zoning - Districts and General Standards number 4.5 regarding the mix of uses.

The floor area ratio and height reductions conflict with the following standards in Saint Paul's 2040 Comprehensive Plan:

- T-3. Design per the modal hierarchy of 1. Pedestrians, 2. Bicyclists, 3. Transit, 4. Other vehicles.
- T-21. To reduce vehicle miles traveled by 40% by 2040 by improving transportation options beyond single-occupancy vehicles.
- T-22. To shift mode share towards walking, biking, public transit, carpooling, ride sharing, and car sharing to reduce the need for car ownership.
- T-27. To improve public transit mode share and support quality public transit in all parts of the city through strategic establishment of transit supportive land use, intensity, and design. Transportation and land use are inherently linked and greater density at this site could increase transit demand.
- LU-1. To encourage transit supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.
- LU-2. To pursue redevelopment of opportunity sites as higher density mixed-use development. Highland Bridge is identified as an opportunity site.
- LU-14. To reduce the amount of land devoted to off-street parking in order to use land more efficiency, to accommodate increases in density.

- LU-18. Support facilities outside public rights of way to support pedestrian and bicycling activity such as sidewalk access to building entrances, adequate lighting, trails, bicycle parking and storage.
- LU-30. To focus growth at neighborhood nodes and increase density at the center of the node.

This finding is not met for requests 1 (Floor Area Ratio) and 2 (Height).

Variance Requests 3-6 (Openings/Glazing)

While the proposed building doesn't meet the required glazing requirement, the amount of glazing proposed will contribute to a vibrant and active space that allows pedestrians to see into the spaces within the building and the activity therein. The variance request from the glazing requirement is consistent with the Ford MP 5.2 Design Standard G16. Windows shall be designed with punched and recessed openings or other window installations that create a strong rhythm of light and shadow. Glass on windows and doors shall be clear or slightly tinted and allow views into and out of the interior.

This finding is met for requests 3-6 (Openings/Glazing).

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.*

Variance Requests 1 (Floor Area Ratio) and 2 (Height)

The applicant makes repeated references to factors such as the shape of the property, grades, shallow bedrock, and a perched water table creating difficulties to both the height and floor area ratio reduction variances. Yet, in testimony we heard from other local developers on December 9th, 2024, none of these factors should be practical difficulties that warrant the requested variances as they are all surmountable as standard parts of design and build processes. The applicant has also not provided any geotechnical or hydrological analyses to support their claims. The remining difficulties cited by the applicant appear to be about economic considerations, which alone do not constitute practical difficulties for our decision.

This finding is not met for requests 1 (Floor Area Ratio) and 2 (Height).

Variance Requests 3-6 (Openings/Glazing)

Ford Site Zoning and Public Realm Master Plan Design Standard G15 requires that "For new Live/Work, Mixed Residential and Commercial, Civic and Institutional, and Commercial & Employment buildings, windows and doors or openings shall comprise at least fifty (50) percent of the length and at least thirty (30) percent of the area of the ground floor along addressed sides of the building and sides that face open space." The parcel, with essentially four sides that require high-quality design and no "back area" make designing a building with window and doors or opening requirements difficult, given the typical requirements for back of house spaces. The proposed facades are consistent with what is proposed on block 2B. The

unique four-sided nature of the property creates practical difficulties in complying with Ford Site Zoning and Public Realm Master Plan Design Standard G15 and S12.

This finding is met for requests 3-6 (Openings/Glazing).

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

Variance Requests 1 (Floor Area Ratio) and 2 (Height)

The applicant makes repeated references to factors such as the shape of the property, grades, shallow bedrock, and a perched water table creating difficulties to both the height and floor area ratio reduction variances. Yet, in testimony we heard from other local developers on December 9th, 2024, none of these factors should be practical difficulties that warrant the requested variances as they are all surmountable as standard parts of design and build processes. The applicant has also not provided any geotechnical or hydrological analyses to support their claims. The remining difficulties cited by the applicant appear to be about economic considerations, which alone do not constitute practical difficulties for our decision.

This finding is not met for requests 1 (Floor Area Ratio) and 2 (Height).

Variance Requests 3-6 (Openings/Glazing)

Regarding the window variance requests, the plight of the landowner is due to the unique shape of the property, with four frontages to activate.

This finding is met for requests 3-6 (Openings/Glazing).

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

A commercial building is permitted use in the F5 business mixed district. Granting the requests would not permit a use that is not allowed in the zoning district. **This finding is met for all the requested variances.**

6. *The variance will not alter the essential character of the surrounding area.*

The Highland Bridge area is planned for several types of uses including office and mixed-use, multi-family residential, congregate living and senior housing, rowhomes, parks and civic spaces. The Ford zoning districts provide a variety of building types, density and dimensional standards throughout the site. This new development, including the proposed floor area ratio, building height, and proposed openings will not alter the essential character of the neighborhood. **This finding is met for all the requested variances.**

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the requests to waive the provisions of Section 66.931 in order to construct a new commercial building with a floor area ratio of 0.3 and a height of 18 feet on property located at 0 Cretin Avenue South PIN: 172823120095; and legally described as Northern Highland Bridge Lot 3 Blk 1; in accordance with the

application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY DENIED.**

MOVED BY: Martinson
SECONDED BY: Schweitzer
IN FAVOR: 4
AGAINST: 2

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Saint Paul Board of Zoning Appeals that the requests to waive the provisions of Section 66.945(c) in order to construct a new commercial building with 40% of the length and 15% of the area of the south side façade consisting of windows and doors or openings, and with the lower 12 feet of the northern façade consisting of 50% transparent glazing, lower 12 feet of the eastern façade consisting of 45% transparent glazing, and the lower 12 feet of the northwest façade consisting of 25% transparent glazing on property located at 0 Cretin Avenue South PIN: 172823120095; and legally described as Northern Highland Bridge Lot 3 Blk 1; in accordance with the application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY APPROVED, subject to the condition that this approval applies to the development as shown on the application materials received by the city on November 18, 2024.**

MOVED BY: Schweitzer
SECONDED BY: Martinson
IN FAVOR: 4
AGAINST: 0

MAILED: February 4, 2025

TIME LIMIT: **No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year.**

APPEAL: **Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.**

CERTIFICATION: **I, the undersigned Secretary to the Board of Zoning Appeals for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Board of Zoning Appeals meetings held on December 9, 2024, January 6, 2025, January 21, 2025, and February 3, 2025 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.**

SAINT PAUL BOARD OF ZONING APPEALS

Maxine Linston

Maxine Linston
Secretary to the Board