



ZONING APPEAL APPLICATION

To/From Board of Zoning Appeals

Dept. of Safety & Inspections
Zoning Section
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
(651) 266-9008

To / From Planning Commission

Dept. of Planning & Econ. Devt.
Zoning Section
1400 City Hall Annex, 25 W 4th St.
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only

File # _____
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date _____

APPELLANT

Name(s) Snelling-Midway Redevelopment, LLC
Address 730 Second Avenue S., Suite 1450 City Minneapolis State MN Zip 55402
Email Bruce Parker: bjp@kskpa.com Phone 612-375-1138

PROPERTY LOCATION

Project Name United Village Hotel and Parking Ramp
Address / Location 1566 University Avenue West

TYPE OF APPEAL: Application is hereby made for an appeal to the:

- ☐ **Board of Zoning Appeals**, under provisions of Zoning Code § 61.701(c), of a decision made by the Zoning Administrator.
- ☐ **Planning Commission**, under provisions of Zoning Code § 61.701(c), of a decision made by the Planning Administrator or Zoning Administrator.
- ☒ **City Council**, under provisions of Zoning Code § 61.702(a), of a decision made by the Board of Zoning Appeals or the Planning Commission.

Date of decision March 15, 20 24 File Number 24-013-570

GROUND FORS APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission or Board of Zoning Appeals. Attach additional sheets if necessary.

Please see attached narrative and exhibits.

☐ If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Appellant's Signature Bruce J. Parker Date 3/25/2024

LAW OFFICES
KAPLAN, STRANGIS AND KAPLAN, P.A.
730 SECOND AVENUE SOUTH • SUITE 1450
MINNEAPOLIS, MINNESOTA 55402-2475

SAMUEL L. KAPLAN
ANDRIS A. BALTINS
DAVID KARAN
BRUCE J. PARKER
ROBERT T. YORK
JAMES C. MELVILLE

612/375-1138
612/904-5600
FACSIMILE 612/375-1143

E-MAIL BJP@kskpa.com
DIRECT DIAL 612/904-5607

OF COUNSEL
HARVEY F. KAPLAN
JOHN H. MATHESON

SHELDON KAPLAN
(1915-2011)
RALPH STRANGIS
(1936-2018)

March 25, 2024

Saint Paul Department of Planning and Economic Development
1400 City Hall Annex
25 West 4th Street
St. Paul, MN 55102-1634
Attention: Planning Administrator

Re: Notice and Statement of Grounds for Appeal of Certain Decisions of the Saint Paul Planning Commission for Proposed Hotel and Parking Ramp, Zoning File # 24-013-570 at 1566 University Avenue West as Part of United Village Phase I

Ladies and Gentlemen:

On behalf of Snelling-Midway Redevelopment, LLC ("SMR"), we submit this appeal Pursuant to Code Section 601.807(a) in response to the following three decisions by the Saint Paul Planning Commissions on March 15, 2024 in regard to certain variances requested by SMR for the proposed hotel with structured parking garage, Zoning File # 24-013-570, at 1566 University Avenue West as that is part of United Village Phase I:

Denial of Variance #3 to Zoning Code 66.342(a)(2) for entrance drive to the proposed hotel of more than 60 feet total lot frontage.

Condition 5 to Approval of Variance #5 for Zoning Code 63.110(b) that: "Additional openings shall be added to the west façade of the hotel building on floors 3 through 7."

Condition 6 to Approval of Variance #6 to City Council Resolution RES 23-1442 that: "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."

This appeal is being delivered to the Department of Planning and Economic Development on the date of this letter together with a check in the amount of \$462 to the City of Saint Paul.

I. Background – United Village Phase I

United Village Phase I is the initial redevelopment project contemplated under the 2016 Master Plan for the Snelling-Midway Superblock¹ following completion of the MLS professional soccer stadium in the southern part of the superblock in 2019. Phase I consists of the following key elements that are expected to be the catalyst for further redevelopment in the Superblock:

- **Block D – Hotel with adjacent structured parking garage:** A hotel with approximately 140 hotel rooms, restaurant and meetings spaces with adjacent structured parking that retain spaces which is the subject of the appeals in this letter.
- **Block B2 – Commercial Office/Retail Building with adjacent temporary parking:** A 4-story commercial building with limited below-grade parking, retail and food and beverage services on Level 1, and office space above. It includes adjacent interim open space parking that can be available for community use on weekends.
- **Block F-1 – Restaurant Pavilions:** Two (2) pavilion style restaurant spaces overlooking the Great Lawn (completed with Allianz Field).
- **Block A – Sculpture Plaza:** A Privately Owned Public Space (POPS) that will feature an iconic sculpture by an internationally known artist on the corner of Snelling and University Avenues, the most prominent part of the Superblock.
- **Block G – All Abilities Playground:** Another Privately Owned Public Space (POPS) featuring an all abilities playground.

Additional public infrastructure is also included to support these elements of United Village Phase I. A diagram of the Superblock with the location and scale of these elements is include as Attachment 1. In addition, Attachment 2 is a rendering of the view from Allianz Field looking north across the Great Lawn that shows the easterly corner of the office building, the hotel and large open space on the south side of the hotel and adjacent structured parking on Block B, and the restaurant pavilions to the east of the Great Lawn.

The proposed United Village Phase I is fully responsive to and inclusive of the spirit and intent of the many community meetings by the development team and input received from the community. The variances are not being requested to evade standards, but rather to apply design standards in the best possible and practical way to create a site with unique scale, amenities and community orientation like no other in St. Paul. The development group is making a choice by focusing their work on creating benefits to Minnesota, the metropolitan area, Saint Paul, and specifically Midway. The hotel – the subject of this appeal – embodies the highest design aesthetic and quality standards, which can be seen firsthand at Allianz Field, the nationally acclaimed professional sports stadium on the southern part of the Superblock as well as the inclusive state of the art playground and the sculpture plaza with a spectacular piece of artwork included in Phase I. The owner of SMR is the managing member of the Minnesota United FC professional soccer club that

¹ The Snelling-Midway Superblock or Superblock is the 34.4 acre site bounded by Snelling Avenue to the west, University Avenue to the north, Pascal Street to the east and St. Anthony Boulevard to the south in the Midway area of Saint Paul.

constructed Allianz Field and the same visionary that created Gold Medal Park along the Mississippi River in Minneapolis and who is applying the same sense of aesthetics and care to detail and design as evidenced in Allianz Field and Gold Medal Park to United Village Phase I.

In connection with the hotel with structured parking, SMR submitted an application seeking nine variances from the Zoning Code so this part of United Village Phase I could be constructed and operated as planned. The Planning Commission denied one variance which is the subject of this appeal to the City Council and approved the other 8 requested variances with certain conditions, all of which are acceptable except for the two conditions also being appealed to the City Council. We are in full support of the staff report prepared on March 1, 2024, and, in particular agree with their findings and conclusions for Variances #3, and the conditions for Variances #5, and #6. This Staff Report determined that the 8-story, 140 room hotel/restaurant, and five level parking ramp with first floor retail shops met the six conditions as listed in Zoning Code 61.601 incorporating the staff recommended conditions. The development team concurs with the staff conclusions that all nine requested variances for the hotel and structured parking meet in each instance all five variance conditions in Zoning Code 61.601.

II. Standards to be Considered for Variances to the Zoning Code

Sec. 61.601. Variances.

The board of zoning appeals and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) The variance is in harmony with the general purposes and intent of the zoning code.
- (b) The variance is 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.
- (d) The plight of the landowner is due to circumstances unique to the property 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.
- (f) The variance will not alter the essential character of the surrounding area.

III. Application of the Standards to the Denial of Variance #3 by the Planning Commission

Variance #3 relates to Zoning Code 66.342(a)(2) providing that an entrance drive to a proposed hotel can be of no more than 60 feet total lot frontage. The proposed hotel fronts on University Avenue and requires drop-off/pick-up of guests and visitors at the front entrance.

Early in the planning process it was determined that Ramsey County would not allow an access to the hotel front entrance from University Avenue. Therefore, SMR's development team worked with City public works and planning staff and determined that an east-west one way drive access to the hotel front entrance would be most acceptable from Simpson Street to Asbury Street in front of the hotel and separated from the pedestrian sidewalk along University Avenue. SMR accepted the recommendations of staff regarding the design and operation of the drive and expects to develop the specific aspects of the design and operation of the drive in collaboration with staff. Rendering of the entrance drive based on that collaboration is included with this submission as Attachments 3 (site plan of Block D), Attachment 4 (aerial view rendering) and Attachment 5 (street view rendering) as currently conceived based on the recommendations of staff. Because this entrance drive is approximately 322 feet total lot frontage, SMR applied for Variance #3 to Zoning Code 66.342(a)(2).

Both the Planning Commission record and the Staff Report regarding SMR's request for Variance #3 contained the following description of the request:

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 motorists of the need for caution in the entry drive.

The Planning Commission denied Variance #3 because it determined that the requested variance did not comply with the requirements of (a), (b) or (c) set forth in Part II above. In contrast the Staff Report determined Variance #3 met the requirements of (a), (b), and (c). The Planning Commission did find that Variance #3 complied with the requirements of (d), (e), and (f) set forth in Part II above. We respectfully submit that the Planning Commission was in error and that all of the requirements are satisfied so Variance #3 should have been granted.

Each of the Planning Commission's findings regarding the requirements of (a), (b) and (c) is set forth below and with our explanation of why SMR believes each finding is in error:

Planning Commission finding (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.

The Staff Report regarding Variance # 3 determined the following regarding condition (a):

- (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 and flexibly addressing travel and parking demands from new and existing development are general purposes and intents of the zoning code. A variance to allow the proposed driveway, since direct access from University Avenue is not allowed, is in harmony with the general purposes and intent of the zoning code.

SMR respectfully submits that the City staff reached the correct conclusion in determining the finding for condition (a) was met and submits the following in support of that conclusion:

1. The project team has worked many hours with staff to develop a site plan with amenities in harmony with and the general purposes and intent of the zoning code. The focus was to provide pedestrians safe and convenient connection within and into the development. Numerous modifications have been incorporated into the design to address pedestrian, bicycle, and transit connectivity. The sidewalks are a minimum of fifteen (15) feet wide and in conformance with development standards for the Superblock. To elevate the focus on pedestrian, bicycle, and transit connectivity beyond the standards, the project has increased sidewalk widths beyond the development requirements for pedestrian crossing at University Avenue and Simpson Street to the crosswalk to the University LRT Station. The hotel block has provided an additional eight (8) feet of sidewalk width along University Avenue creating an almost nineteen (19) foot wide pedestrian corridor, and the westerly side of Simpson Street has a sidewalk over 21 feet wide. Both of these pedestrian corridors are 25-40% wider than anticipated in the Master Plan design parameters. A ten (10) foot wide enhanced walkway between the University sidewalk and the front door of the hotel is incorporated in the design of the hotel plan to strengthen the interconnection between pedestrian, transit, and bicycles. The walkway connection to University Avenue will be emphasized with special pavement treatment providing a safe and convenient pedestrian connection between University Avenue and the hotel entrance. Please refer to Attachment 3 for a site plan of Block D (hotel and structured parking), and Attachments 4 and 5 for renderings of the design and layout of the drive in front of the hotel entrance.

2. The drive in front of the hotel is restricted to one way travel to provide a safe interface between pedestrians use and short term vehicle crossing. The drop off lane is only used for short term guest check-in, ADA accessible access route to the front of the hotel/restaurant, valet zone, and guest pick-up. The drop off lane will be designed using an aesthetic concrete pattern and/or colors to blend into the curbed walks providing a sense of pedestrian scale and not a typical driveway design. The outside lane is for only for allowing by-pass of vehicles that are unloading adjacent to the hotel, and to provide emergency access for police and medical assistance to the front door.

3. For the hotel to be successful, it needs to have its front entrance on University Avenue. The entrance is easily identifiable to hotel guests, many of whom will be from out of town, and arrive at the hotel on University Avenue – one of the main arterial roads in the Midway.

4. There is considerable pedestrian traffic along University Avenue and, as Attachments 3, 4 and 5 demonstrate, the sidewalk along University Avenue is extra wide with an expansive walkway connection to the front entrance of the hotel for pedestrian use. The pedestrian connection from the University Avenue sidewalk to the hotel carries the same material across the drive to alert vehicles that this is a pedestrian entrance where pedestrians have the right of way. As indicated in the above description, signage will be included along the drive to harmonize the vehicle use of the drive with pedestrians entering the hotel across the drive from the connection to the sidewalk along University Avenue. The structured parking garage adjacent to the hotel has bike parking spaces on ground level and an entrance to the hotel is easily accessible from the bike area. Moreover, the interior of the Superblock has been designed to provide safe and efficient circulation of pedestrians and bicycles.

5. In addition, SMR will continue to engage with City public works and planning staff in the specific design and planning for operation of the drive in front of the hotel.

Planning Commission Finding (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.

The Staff Report regarding Variance # 3 determined the following regarding condition (b):

(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-7 calls for using land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities. 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 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 driveway requirements is to create a safe and pedestrian friendly environment. 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. The direct pedestrian

connection between the sidewalk along University and the hotel entrance shown on the site plan helps achieve this goal.

SMR respectfully submits that the City staff reached the correct conclusion in determining the finding for condition (b) was met and offers the following in support of a finding that condition (b) is met:

1. The project team has worked many hours with staff to develop a site plan with amenities in harmony with and general purposes and intent of the zoning code. The focus was to provide pedestrians safe and convenient connection within and into the development. Numerous modifications have been incorporated into the design to address pedestrian, bicycle, and transit connectivity. The sidewalks are a minimum of fifteen (15) feet wide and in conformance with development standards for the Superblock. To elevate the focus on pedestrian, bicycle, and transit connectivity beyond the standards, the project has increased sidewalk widths beyond the development requirements for pedestrian crossing at University Avenue and Simpson Street to the crosswalk to the University LRT Station. The hotel block has provided an additional eight (8) feet of sidewalk width along University Avenue creating an almost nineteen (19) foot wide pedestrian corridor, and the easterly side of Simpson Street has a sidewalk over 21 feet wide. Both of these pedestrian corridors are 25-40% wider than anticipated in the Master Plan design parameters. A ten (10) foot wide enhanced walkway between the University sidewalk and the front door of the hotel is incorporated in the design of the hotel plan to strengthen the interconnection between pedestrian, transit, and bicycles. The walkway connection to University Avenue will be emphasized with special pavement treatment providing safe and convenient pedestrian connection between University Avenue and the hotel entrance. Please refer to Attachment 3 for the site plan of Block D and Attachments 4 and 5 for renderings of the design and layout of the drive in front of the hotel entrance.

2. For the hotel to be successful, it needs to have its front entrance on University Avenue. Because University Avenue is one of the major arterial roads, a direct vehicle entrance to the hotel was not permitted. The one way drive along the front of the hotel is limited to drop-off and pick-up and accomplishes this important access.

3. Pedestrians have access to the hotel from the nineteen (19) foot wide sidewalk along the southside of University Avenue through the ten (10) foot wide walkway connection to the front entrance of the hotels as well as from the five (5) foot wide sidewalk along the front of the hotel connecting Simpson and Asbury Streets. The structured parking garage adjacent to the hotel has bike parking spaces on the ground level so cyclists have a safe and accessible entrance to the hotel from where they park their bikes.

3. In addition, SMR will continue to engage with City public works and planning staff in the specific design and planning for operation of the drive in front of the hotel to provide safe pedestrian access to the front entrance of the hotel.

Planning Commission finding (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.

The Staff Report regarding Variance # 3 determined the following regarding condition (c):

- (a) *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. Complying with the policy and standard requires vehicular access to the building to be from side streets that in turn requires a driveway that is the length of the block.

SMR respectfully submits that the City staff reached the correct conclusion in determining the finding for condition (c) was met for the following reasons:

1. The project team has worked many hours with staff to develop a site plan with amenities in harmony with and general purposes and intent of the zoning code. The focus was to provide pedestrians safe and convenient connection within and into the development. Numerous modifications have been incorporated into the design to address pedestrian, bicycle, and transit connectivity. The main entrance to the parking ramp is now located off Simpson Street which was relocated from the front side of the building to reduce traffic and pedestrian conflicts. The hotel is located on a site that has street frontage on all four sides and relocating the drop off zone to any other side of the building would result in the same variance of exceeding the 60 foot frontage standards. Providing the main entry along University Avenue provides the unique opportunity for the hotel restaurant and hotel lawn area to have a large open space and sidewalk connections for pedestrians and bicycles with convenient and safe access to the amenities of provided at Allianz Stadium, the proposed Pavilion Restaurants, and proposed Office/Retail all interconnected by the Great Lawn area. A key design standard for the hotel function as a high quality hotel similar to other hotels in the metropolitan area is to create a nominal access (drop off zone) to the front of the hotel for guest arrival. See attached examples of key inner city hotel access included in Attachment 6.

2. For the hotel to be successful, it needs to have its front entrance on University Avenue. Because University Avenue is one of the major arterial roads, a direct vehicle entrance to the hotel was not permitted. The one way drive along the front of the hotel is limited to drop-off and pick-up and accomplishes this important access.

3. It is not practical to place the front entrance of the hotel on any of the other street. The south side of the hotel along Spruce Tree Avenue has an extensive open space facing the

Great Lawn and embracing the Great Lawn, the heart of the district and the ethos of the superblock. This area can be used for all kinds of functions including weddings, receptions, concerts and winter activities. This area cannot be relocated to the northside of the hotel along University and still accomplish the intent of the overall design of the hotel as an integrated part of the superblock. Nor can a feasible front entrance to the hotel be from Asbury Street as the orientation of the hotel would need to change by 90 degrees which would remove much of the open space from the hotel block across Spruce Tree Avenue facing the Great Lawn. The structured parking is on the east side of the block adjacent to the hotel and a front entrance through the structured parking is an unacceptable deviation from industry standard.

SMR respectfully requests that the City Council grant Variance #3 for a drive in front of the hotel as proposed in its submissions for the variances needed to design and construct the hotel. SMR will continue to work with City public works and planning staff to assure pedestrians can safely use the front entrance and implement the other requirements discussed above.

IV. Condition 5 to Approval of Variance #5

The Planning Commission approved SMR's request for Variance #5 relating to Zoning Code 63.110(b) that 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. SMR is only appealing the following condition #5 that the Planning Commission required in connection with its approval of Variance #5:

5. Additional openings shall be added to the west façade of the hotel building on floors 3 through 7.

The March 1, 2024 staff report regarding Variance #5 did not include condition #5 requiring additional opening be added to the west façade of the hotel building on floors 3 through 7. SMR requests that Condition 5 be eliminated from the conditions for Variance #5 for the following reasons:

- The project team has reviewed with staff the west elevation of the hotel on several occasions to discuss potential opportunities to develop the design of this facade in harmony with and general purposes and intent of the zoning code. The primary focus of the code is to provide a safe and convenient pedestrian connection into the overall United Village development. We maintain that the human scale of the façade materials, artwork on the podium of the building and site amenities provide a comfortable and safe pedestrian experience. Specific to the elevation of typical floor levels 3-7, the introduction of additional windows would conflict with the hotel room layouts as shown on the attached plan/elevation drawing. See Attachment 7. The compact layout and circulation within the individual unit precludes the introduction of additional windows. This is a typical approach for hotel room design given the efficiency of layout has a direct correlation to the overall success of the development. Attachment 7 illustrates a typical floor plan along with individual room layouts and the west elevation of the hotel.

- The hotel building design is a very deliberate and purposeful decision, and additional windows on floors 3 through 7 would detract from the architectural design principles. Additional window would provide neither functional nor aesthetic value to this façade or the hotel overall.
- The wall in question forms the west side of the individual rooms that are oriented to provide views to the south and to the north on respective sides of the central corridor. It is not possible to design hotel rooms of this size, shape, or orientation in a way that allows layout of necessary elements including the bathroom, closet, bed, television, and sitting options when two sides of these rectangular rooms feature windows.
- Adding more windows has an adverse impact on cooling during summer months and heating during the coldest period of the year – both of which also contradict our efforts to be environmentally sensitive. This would further lead to a need for additional interior window coverings, as well as heating/cooling additions to manage interior climate during the winter and extreme cold months. This impact is further magnified given the west-facing direction and exposures.
- While not as severe as some situations, windows increase the potential of bird hits and death. We are sensitive to this danger. (Note that Allianz Field took extreme measures to avoid bird hits and was widely recognized and lauded by the Audubon Society for that achievement.)
- We anticipate at some point – and have previously created concept plans for – the eventual construction of a building to occupy the lot directly across Asbury Street immediately to the west this side of the hotel. The two buildings would only be separated by approximately fifty (50) feet. Omitting windows in the guest rooms on the west side of the façade focuses the guest views to the purposefully designed orientation and view to the Great Lawn and Allianz Field from the south facing rooms. Again, the room orientation and views are purposefully focused onto the open spaces to the south and residential community to the north.

For the above reasons, SMR respectfully requests that Condition #5 to Variance #5 be eliminated as part of this appeal.

V. Condition 6 to Approval of Variance #6

The Planning Commission approved Variance #6 relating to 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. SMR is only appealing the following condition #6 that the Planning Commission required in connection with its approval of Variance #6:

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.

The March 1, 2024, staff report regarding Variance #6 did not include condition #6 requiring a connection between the ground level retail space in the parking garage and the open

green space to the west to activate the open green space. SMR requests that Condition 6 be eliminated from the conditions for Variance #6 for the following reasons:

- The project team has reviewed with staff this open air green space on several occasions to discuss potential opportunities to develop the design of this facade in harmony with and general purposes and intent of the zoning code. The focus was to provide pedestrians safe and convenient connection within and into the overall development. As part of the site plan for Block D, the developer has proposed an expansive open lawn on the south side of the hotel. This publicly accessible private open space not only enhances the experience of the hotel patrons and pedestrians circulating through the area but also the adjacent retail businesses on the south side of the parking garage. In addition to the inherent benefit of the open space to the neighborhood, the developer proposes a movable event “podium” in the southeast corner of the lawn that will support various neighborhood events (musical acts, community gatherings, public art and theater etc.). The vibrancy of this open space will positively impact the adjacent retail stores by alerting potential customers of these businesses upon their arrival specifically for an event or just a typical day enjoying the open-air experience of the south lawn. The connection between the retail and south lawn strengthens as more in the community visit the block. This further step of activating the south lawn significantly contributes to the vibrant street life and success of the local businesses.
- The west wall of the parking structure is an Art Wall. It is a specific and major feature integral to the design, aesthetic, and attractiveness of the hotel and the adjacent open space behind the hotel. It is purposefully designed as an artwork extending from the top to ground level. Adding any physical obstructions along the west wall would disrupt the canvas of the mural, as well as alter the impact of the wall and art on the hotel spaces as well as views from the immediate area.
- As an Art Wall, it functions to activate the entire area – both through close-in activities as well as striking beauty and interest from afar.
- The open space lawn to the south of the hotel is intended to be a unique feature of the hotel and was not planned to be impinged on by other retail places or uses. Examples such as use for weddings and music entertainment specifically depend on the integrity of the entire space. This does not allow for interruption of it along the mural wall by either walkways or doorways. A rendering of the open space and mural (note: the actual mural is still in the creative design process so no detail of the mural is provided – only a shading image is on the mural wall) is included as Attachment 8.
- The green space going to the wall is intentional in design for special events such as weddings or small musical presentations (i.e., guitar).
- Further to the green space and art wall association, an elevated (near ground-level) terrace runs along the entire length of the hotel’s first floor and faces south. This terrace is a major food, beverage and social space for the hotel and the community. It is another element designed with the art wall and open grass area as a fundamental component and would be diminished by doors, a walkway perpendicular to the wall, or storefront.
- The fifteen (15) foot sidewalk along Spruce Tree Drive provides access into the lawn and on to the hotel terrace and its associated restaurant (that is open to all parties whether

staying at the hotel or not). This access and egress are provided via open sidewalks transecting the grass open space up to the hotel terrace.

- The lawn provides a significant amount of useable greenspace that is not only integral to the hotel but is another important piece in our efforts to support, and where possible, replace hardscape areas with grass and trees. We do not want to lessen green space or what it offers and the feeling it provides. To that end, converting additional amounts of this green space into hard surface would diminish sustainability goals without enhancing the functionality for the community of the lawn space.
- It should be noted that while a separate construction, there are two pavilion restaurants planned directly across Spruce Tree Drive from the hotel and the parking facility (and its south-facing retail). These restaurants sit looking on to the existing Great Lawn that in itself serves as the central “community square” for the entire superblock and United Village. This area is openly available to visitors and users as well.

For the above reasons, SMR respectfully requests that Condition #6 to Variance #6 be eliminated as part of this appeal.

VI. Summary

Variance #3. The drive in front of the hotel facing University Avenue is essential to the design of the hotel which in turn is an integral part of United Village Phase I. SMR respectfully requests that the City Council approve Variance #3 with the stipulations in the March 1, 2024 staff report. We believe that the United Village Phase I project being proposed is fully responsive and inclusive to the spirit and intent of the established community plans and this aspect of the hotel plan meets the conditions of (a), (b), and (c) for granting Variance #3. The focus was to provide pedestrians safe and convenient connection within and into the development. A key design standard for the hotel function as a high quality hotel similar to other hotels in the metropolitan area is to create a nominal access (drop off zone) to the front of the hotel for guest arrival. Regardless of what side of the building the drop off zone is placed it would require a variance to exceed the maximum 60 foot frontage length permitted. Providing the main entry along University Avenue provides the unique opportunity for the hotel restaurant and hotel lawn area to have a large open space and sidewalk connections for pedestrians and bicycles with convenient and safe access to the amenities provided at Allianz Stadium, the proposed Pavilion Restaurants, and proposed Office/Retail all interconnected by the Great Lawn area.

Condition #5 to Variance #5. This condition requiring additional openings to the west façade of the hotel building on floors 3 through 7 is aesthetically in conflict with the design of the hotel and the functionality of these rooms. SMR respectfully requests that Condition #5 to Variance #5 be eliminated.

Condition #6 to Variance #6. This condition requiring a connection between the ground level retail space in the parking garage and the open green space to the west to activate the open green space is in conflict with the purpose of the open green space to the south of the hotel

March 25, 2024

Page 14

building and its restaurant adjacent to the open space and to the mural on the parking garage wall. SMR respectfully requests that Condition #6 to Variance #6 be eliminated.

SMR appreciates this opportunity to more fully inform the City Council of United Village Phase I and, in particular, how the hotel with the structured parking plays an integral part of the overall design and intent of the redevelopment of the Superblock outside of and complementary to Allianz Field.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Bruce J. Parker". The signature is fluid and cursive, with the first name "Bruce" and last name "Parker" clearly legible, and a middle initial "J." in between.

Bruce J. Parker

Attachments:

- Attachment 1 – Block Diagram of United Village Phase I
- Attachment 2 – Rendering of the view from Allianz Field looking north across the Great Lawn showing the easterly corner of the office/retail building on Block B-2, the hotel and large open space on the south side of the hotel and adjacent structured parking on Block D, and the restaurant pavilions on Block F-1 to the east of the Great Lawn
- Attachment 3 – Site Plan of Block D
- Attachment 4 – Rendering of the drive in front of the hotel/structured parking garage (aerial view)
- Attachment 5 – Rendering of the drive in front of the hotel/structured parking garage (street level view from Asbury Street looking east)
- Attachment 6 – Examples of key inner city hotels with front door access drives
- Attachment 7 – Examples of hotel room layouts
- Attachment 8 – Rendering of the open space on the south side of the hotel and the mural on the wall of the adjacent structured parking

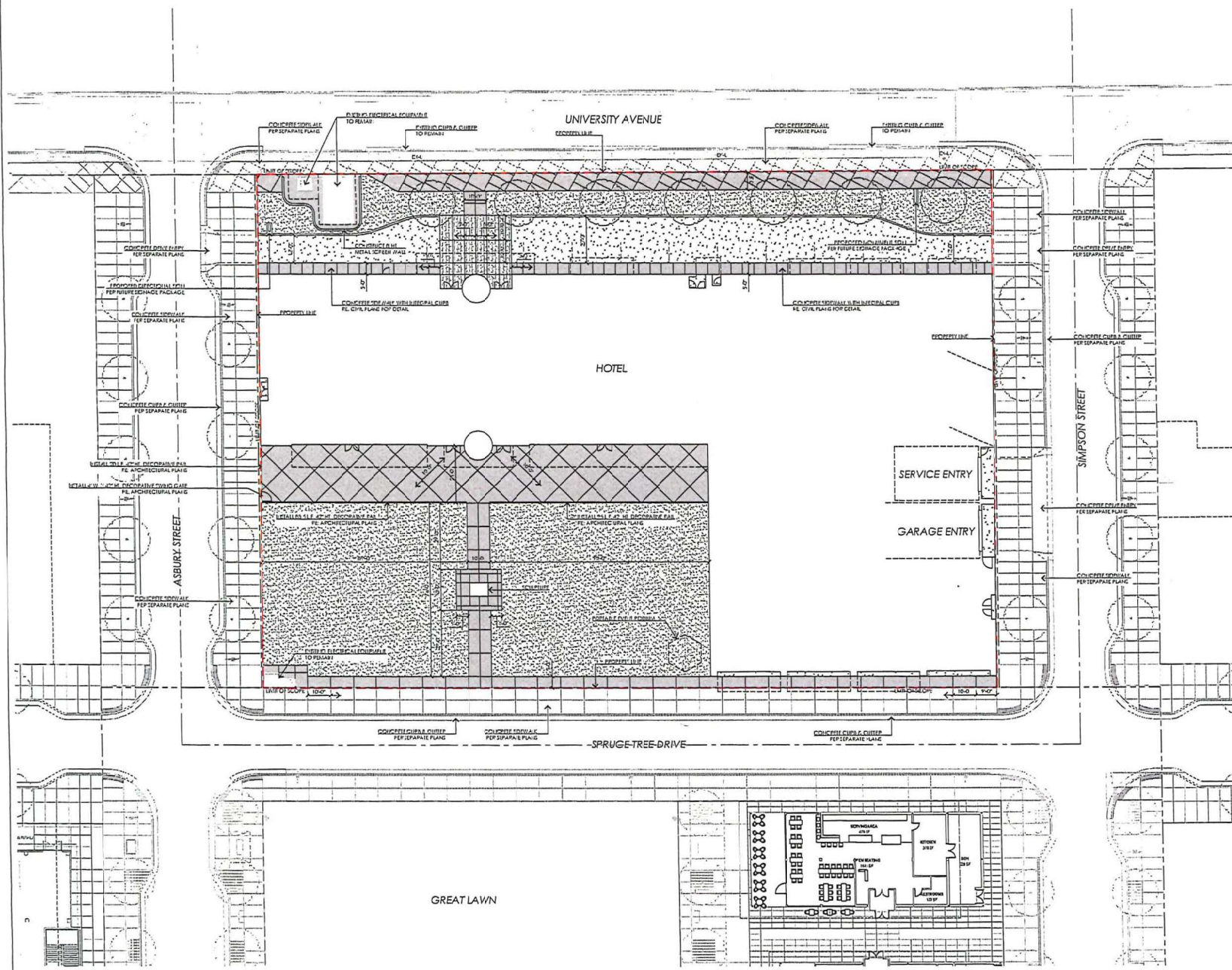
ATTACHMENT 1



ATTACHMENT 2



2024-03-25



LANDSCAPE AREA
PE LANDSCAPE
PLA-G

CONSTRUCT
STANDARD
C/C/PE
PAVEMENT WITH
STANDARD
SAVOUT JOBS
PE C/USSED
RECT/PL PLING
FOR PROFILE

1. THE CONTRACTOR MUST COMPLY WITH ALL LOCAL, STATE AND FEDERAL LAWS AND ORDINANCES ASSOCIATED WITH THE CONSTRUCTION OF THE IMPROVEMENTS DESCRIBED

- 2 THE CO-PRODUCTION
3 ACQUISITION OF THE
4 FEDERAL INSURANCE
5 INFORMATION REPORT
6 INFORMATION IN DECISION
7 INFORMATION IN DECISION
8 INFORMATION IN DECISION
9 INFORMATION IN DECISION
10 INFORMATION IN DECISION
11 INFORMATION IN DECISION
12 INFORMATION IN DECISION
13 INFORMATION IN DECISION
14 INFORMATION IN DECISION
15 INFORMATION IN DECISION
16 INFORMATION IN DECISION
17 INFORMATION IN DECISION
18 INFORMATION IN DECISION
19 INFORMATION IN DECISION
20 INFORMATION IN DECISION
21 INFORMATION IN DECISION
22 INFORMATION IN DECISION
23 INFORMATION IN DECISION
24 INFORMATION IN DECISION
25 INFORMATION IN DECISION
26 INFORMATION IN DECISION
27 INFORMATION IN DECISION
28 INFORMATION IN DECISION
29 INFORMATION IN DECISION
30 INFORMATION IN DECISION
31 INFORMATION IN DECISION
32 INFORMATION IN DECISION
33 INFORMATION IN DECISION
34 INFORMATION IN DECISION
35 INFORMATION IN DECISION
36 INFORMATION IN DECISION
37 INFORMATION IN DECISION
38 INFORMATION IN DECISION
39 INFORMATION IN DECISION
40 INFORMATION IN DECISION
41 INFORMATION IN DECISION
42 INFORMATION IN DECISION
43 INFORMATION IN DECISION
44 INFORMATION IN DECISION
45 INFORMATION IN DECISION
46 INFORMATION IN DECISION
47 INFORMATION IN DECISION
48 INFORMATION IN DECISION
49 INFORMATION IN DECISION
50 INFORMATION IN DECISION
51 INFORMATION IN DECISION
52 INFORMATION IN DECISION
53 INFORMATION IN DECISION
54 INFORMATION IN DECISION
55 INFORMATION IN DECISION
56 INFORMATION IN DECISION
57 INFORMATION IN DECISION
58 INFORMATION IN DECISION
59 INFORMATION IN DECISION
60 INFORMATION IN DECISION
61 INFORMATION IN DECISION
62 INFORMATION IN DECISION
63 INFORMATION IN DECISION
64 INFORMATION IN DECISION
65 INFORMATION IN DECISION
66 INFORMATION IN DECISION
67 INFORMATION IN DECISION
68 INFORMATION IN DECISION
69 INFORMATION IN DECISION
70 INFORMATION IN DECISION
71 INFORMATION IN DECISION
72 INFORMATION IN DECISION
73 INFORMATION IN DECISION
74 INFORMATION IN DECISION
75 INFORMATION IN DECISION
76 INFORMATION IN DECISION
77 INFORMATION IN DECISION
78 INFORMATION IN DECISION
79 INFORMATION IN DECISION
80 INFORMATION IN DECISION
81 INFORMATION IN DECISION
82 INFORMATION IN DECISION
83 INFORMATION IN DECISION
84 INFORMATION IN DECISION
85 INFORMATION IN DECISION
86 INFORMATION IN DECISION
87 INFORMATION IN DECISION
88 INFORMATION IN DECISION
89 INFORMATION IN DECISION
90 INFORMATION IN DECISION
91 INFORMATION IN DECISION
92 INFORMATION IN DECISION
93 INFORMATION IN DECISION
94 INFORMATION IN DECISION
95 INFORMATION IN DECISION
96 INFORMATION IN DECISION
97 INFORMATION IN DECISION
98 INFORMATION IN DECISION
99 INFORMATION IN DECISION
100 INFORMATION IN DECISION



ARCHITECTURE AND LANDSCAPE ARCHITECTURE
Firms
4100 14th Street, Suite 200
Kennesaw City, GA 30144-1111
(404) 422-1720

CIVIL, ENVIRONMENTAL
UNIVERSITY, INC.
7275 Parkside Lane, Suite 200
Bristol Creek, VA 22509
(703) 687-7777



UNITED
VILLAGE

[illegible]

PROJECT NAME
UNITED VILLAGE
BLOCK D HOTEL

SITE PLAN

DATE	01/12/2024
PROJECT NAME	POPULOUS
SHEET NO.	E1
BLOCK D HOTEL LAY PLAN	

SD1-01

BLOCK D

ATTACHMENT 4



2024-03-22

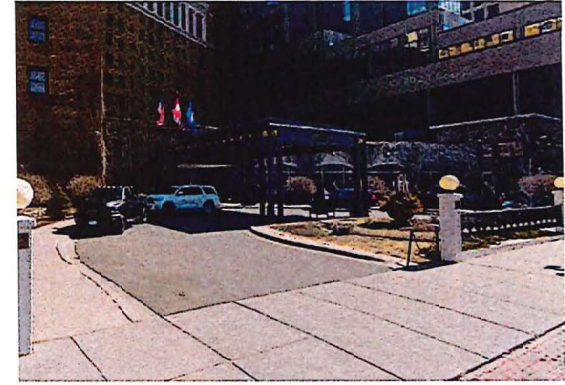
ATTACHMENT 5

BLOCK D



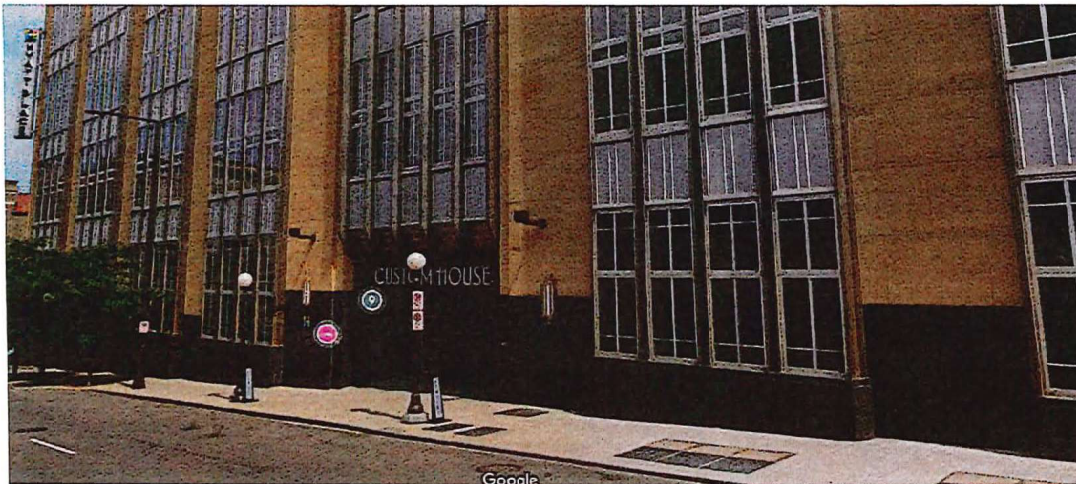
2024-03-25

Examples of Metropolitan Hotels in the Inner City Core with Front Door Drop off Zones





Spring Hill Suites by
Marriott
Jackson Street



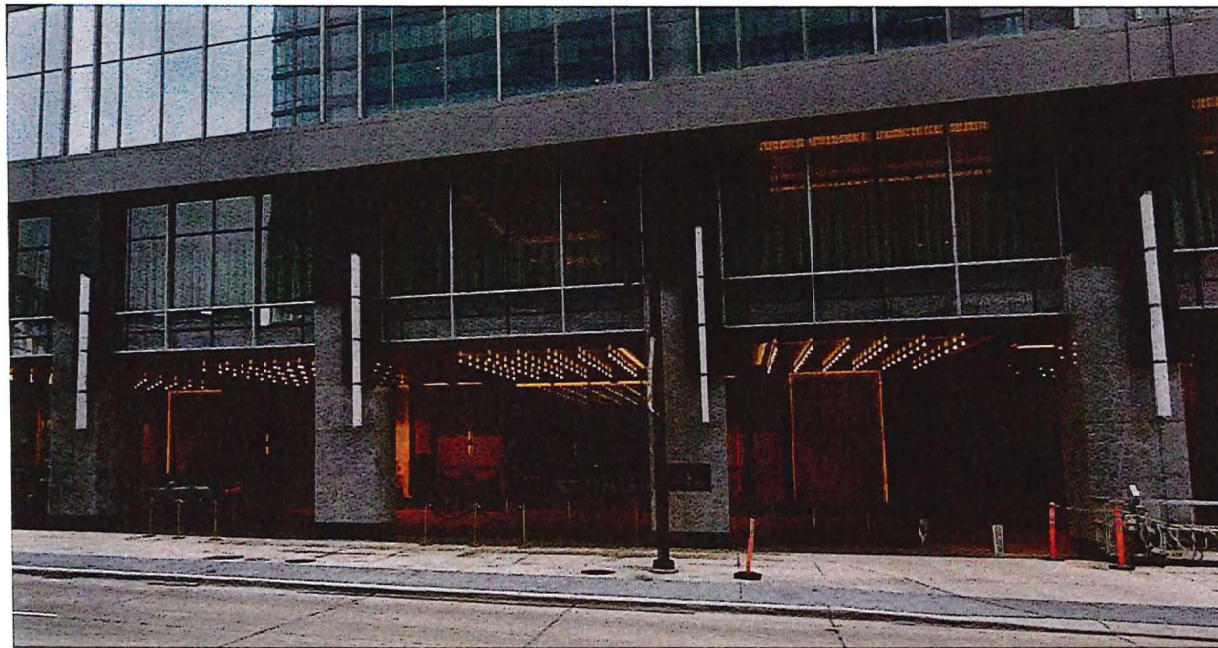
Hyatt Place
Kellogg Boulevard



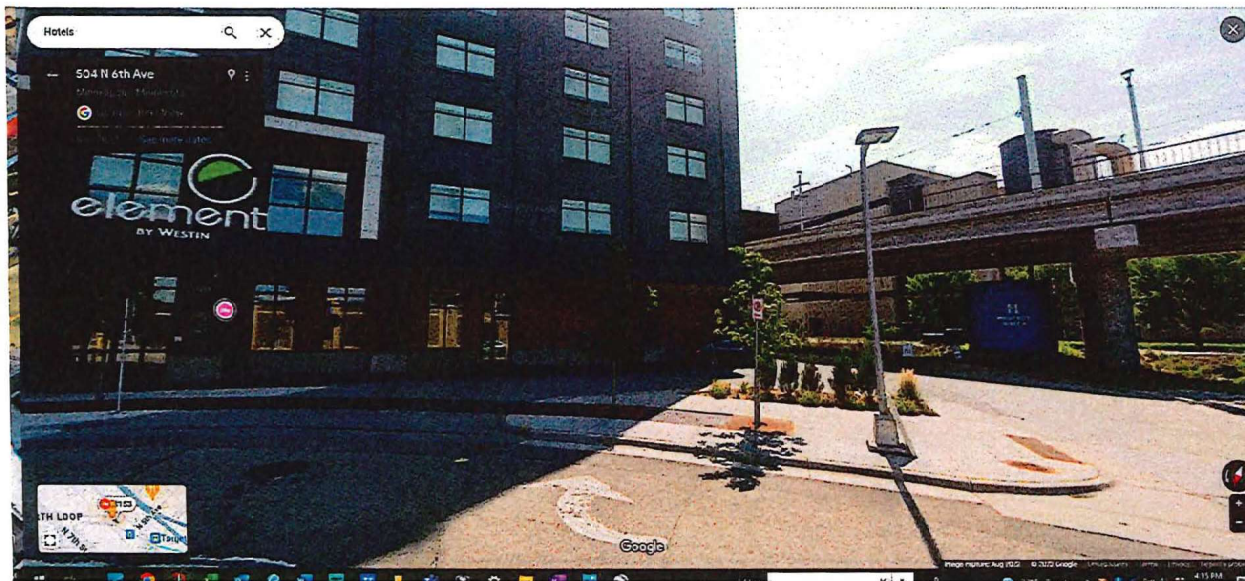
St. Paul Hotel
N. Market Street



InterContinental
E. Kellogg Boulevard



Four Season
Hennepin Avenue



Element by Westin
N. 6th Avenue



Hilton
S. Marquette Avenue

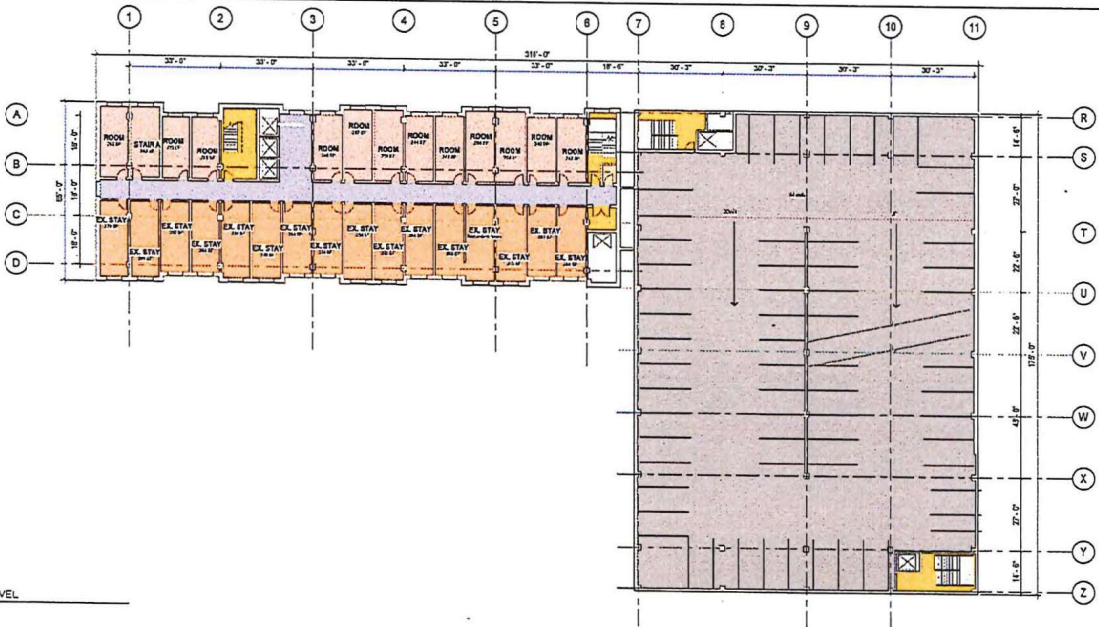


Loews
1st Avenue North

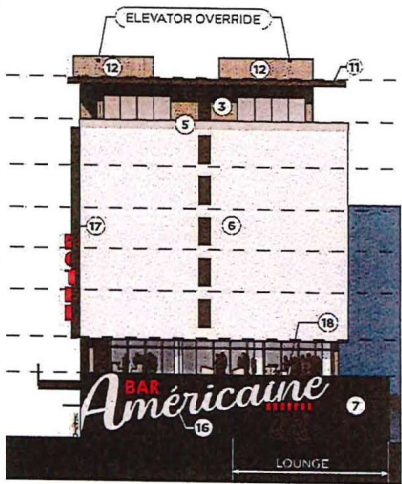


Milwaukee Road
3rd Avenue S (State Hwy 65)

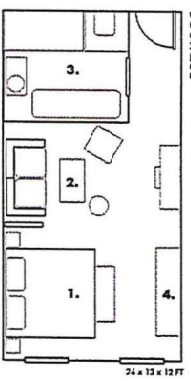
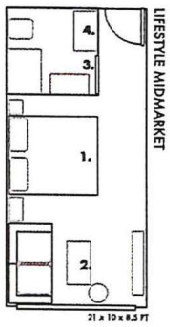
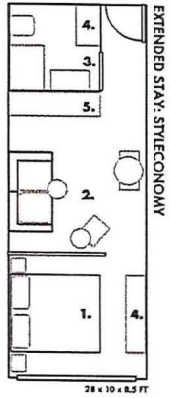
ATTACHMENT 7



4 TYPICAL ROOM/GARAGE LEVEL
1/16" = 1'



1 WEST ELEVATION



TYPICAL UNIT FLOOR PLANS

NOTES
PARKING CAPACITY
LEVEL 0 — 22 STALLS
LEVEL 2-4 — 64 STALLS
LEVEL 2 — 63 + 2 ADA STALLS
MEZZ LEVEL — 6 + 2 ADA
LEVEL 1 — 0
TOTAL PARKING = 200 STALLS

POPULOUS

POPULOUS
Architectural Firm
1000 15th Street, Suite 1000
San Francisco, CA 94103
415.774.8800
www.populous.com

Project:
Client:
Date:
Scale:
Sheet:
Revision:



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/1/2018
2	ISSUED FOR CONSTRUCTION	10/1/2018
3	ISSUED FOR CONSTRUCTION	10/1/2018
4	ISSUED FOR CONSTRUCTION	10/1/2018
5	ISSUED FOR CONSTRUCTION	10/1/2018
6	ISSUED FOR CONSTRUCTION	10/1/2018
7	ISSUED FOR CONSTRUCTION	10/1/2018
8	ISSUED FOR CONSTRUCTION	10/1/2018
9	ISSUED FOR CONSTRUCTION	10/1/2018
10	ISSUED FOR CONSTRUCTION	10/1/2018
11	ISSUED FOR CONSTRUCTION	10/1/2018
12	ISSUED FOR CONSTRUCTION	10/1/2018
13	ISSUED FOR CONSTRUCTION	10/1/2018
14	ISSUED FOR CONSTRUCTION	10/1/2018
15	ISSUED FOR CONSTRUCTION	10/1/2018
16	ISSUED FOR CONSTRUCTION	10/1/2018
17	ISSUED FOR CONSTRUCTION	10/1/2018
18	ISSUED FOR CONSTRUCTION	10/1/2018
19	ISSUED FOR CONSTRUCTION	10/1/2018
20	ISSUED FOR CONSTRUCTION	10/1/2018

FOR REFERENCE ONLY - NOT FOR CONSTRUCTION

UNITED VILLAGE
BLOCK D HOTEL

Architect:
Engineer:
Date:
Scale:

Project:
Client:
Date:
Scale:

HOTEL PLAN / ELEVATION
• TYPICAL FLOOR LEVEL
• TYPICAL ROOM LAYOUT
• WEST HOTEL ELEVATION

Sheet:
A-0

Drawn by: [Signature]

ATTACHMENT 8

BLOCK D



2024-03-25