

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 24-095781

Deadline for Action: March 17, 2025

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, height minimum, and lot coverage maximum and Section 66.945(c) pertaining to the Ford Site Zoning and Public Realm Master Plan design standards in order to construct a new mixed-use development. The applicant is proposing to construct a mixed-use development on this vacant property in the F5 Business Mixed Zoning District. The development consists of three single-story commercial buildings and a four-story 97 dwelling unit mixed-use building, all of which surround structured off-street parking. Thirteen variances are requested. 1.) A floor area ratio (FAR) minimum of 2.0 is required; 1.0 is proposed, for a variance of 1.0. 2-4.) A building height minimum of 40 feet is required; Retail buildings B and C are proposed to be 15 feet tall each, and retail building D, 12 feet tall, for variances of 25 feet and 28 feet respectively. 5.) A maximum lot coverage of 70% is permitted; 80% is proposed, for a variance of 10%. 6-7.) The Ford Site Zoning and Public Realm Master Plan Design Standard G15 requires at least 30% 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; 20% is proposed on the north side of the mixed-use building and 25% is proposed on the north side of retail building D, for variances of 10% and 5% respectively. 8-13.) The Ford Site Zoning and Public Realm Master Plan Design Standard S12 requires the bottom 12 feet of portions of the ground floor along urban center frontage not dedicated to residential units to be a minimum of 65% transparent glazing; 40% is proposed on the north side of the mixed-use building, 55% on the north side of Retail building B, 55% on the north side of Retail building C, 50% on the north side of Retail building D, 45% on the southeast side of the mixed-use building, and 45% on the south side of the mixed-use building; for variances of 25%, 10%, 10%, 15%, 20%, and 20% respectively in the F5 zoning district at 2200 Ford Parkway PIN: 172823120094; 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 mixed-use development on this vacant property in the F5 Business Mixed Zoning District. The development consists of three single-story commercial buildings and a four-story 97 dwelling unit mixed-use building, all of which surround structured off-street parking. Thirteen variances are requested. 1.) A floor area ratio (FAR) minimum of 2.0 is required; 1.0 is proposed, for a variance of 1.0. 2-4.) A building height minimum of 40 feet is required; Retail buildings B and C are proposed to be 15 feet tall each, and retail building D, 12 feet tall, for variances of 25 feet and 28 feet respectively. 5.) A maximum lot coverage of 70% is permitted; 80% is proposed, for a

variance of 10%. 6-7.) The Ford Site Zoning and Public Realm Master Plan Design Standard G15 requires at least 30% 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; 20% is proposed on the north side of the mixed-use building and 25% is proposed on the north side of retail building D, for variances of 10% and 5% respectively. 8-13.) The Ford Site Zoning and Public Realm Master Plan Design Standard S12 requires the bottom 12 feet of portions of the ground floor along urban center frontage not dedicated to residential units to be a minimum of 65% transparent glazing; 40% is proposed on the north side of the mixed-use building, 55% on the north side of Retail building B, 55% on the north side of Retail building C, 50% on the north side of Retail building D, 45% on the southeast side of the mixed-use building, and 45% on the south side of the mixed-use building; for variances of 25%, 10%, 10%, 15%, 20%, and 20% respectively.

The proposed mixed-use development with commercial space and 97 dwelling units is consistent with the purpose and intent of the F5 to provides for a variety of multi-family residential, retail, dining, office and service establishments, with buildings oriented to public rights-of-way, and ground floor activity that transitions between outdoor public spaces and indoor uses. The proposed mixed-use development 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 2-4 (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 2-4 (Height).

Variance Requests 5 (Lot Coverage) and 6-13 (Openings/Glazing)

The proposed lot coverage and window requests are consistent with the following 2040 Comprehensive Plan policies:

- LU-5. Encourage flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities.
- LU-7. Use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.
- LU-29 to ensure that building massing, height, scale and design transition to those permitted in adjoining districts.

While some of the proposed development doesn't meet the required glazing requirements, the amount of glazing proposed will contribute to a vibrant and active space that allows pedestrians to see into the spaces within the buildings and the activity therein. The variance requests from the glazing requirements are consistent with the Ford Site Zoning and Public Realm Master Plan 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 5 (Lot Coverage) and 6-13 (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 2-4 (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 remaining 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 2-4 (Height).

Variance Requests 5 (Lot Coverage) and 6-13 (Openings/Glazing)

Regarding lot coverage, the applicant proposes the buildings to cover 80%, when 70% is the permitted maximum. The parking facility does not count towards the FAR minimum; however, it does count towards the lot coverage maximum. This proposed structured parking sits in the middle of the site between the proposed buildings. The applicant could also create a smaller structure that is taller, however, this structure would likely obstruct pedestrian traffic moving between Ford Parkway and Hillcrest and be more visually prominent than is proposed. The proposed solution is reasonable given the site's grade, shallow bedrock, and perched water table. In addition, if block 2B and 2C were analyzed together, they would be at 63%, which would be in compliance with the requirement.

The Ford Site Zoning and Public Realm Master Plan Design Standard G15 requires at least 30% of the area of the ground floor along addressed sides of the building to be doors/openings. For the mixed-use building (building A), 20% is proposed, and for building D, 25% is proposed. The proposed buildings along Ford Parkway have been designed to allow pedestrian permeability through the site. The applicant is proposing a consistent façade along Ford Parkway that allows for demising the interior spaces. The overall layout of the property, with pedestrian permeability and smaller buildings, created the smaller commercial spaces. This led to the need for non-window space to add demising walls, which creates practical difficulties in complying with the 30% requirement for the north side of the mixed-use building and building D. In addition, a greater amount of the building D façade is exposed due to the slope of the property and necessary accessible ramp, creating access between Ford Parkway and the buildings. The grades on the site create practical difficulties in complying with the provision for that façade.

The Ford Site Zoning and Public Realm Master Plan Design Standard S12 requires the bottom 12 feet of portions of the ground floor along urban center frontage not dedicated to residential units to be a minimum of 65% transparent glazing. The applicant is proposing traditional storefront facades, with a reasonable amount of glazing, given the small size of

the commercial spaces. The proposal creates a consistent façade along urban center frontages, while providing areas to demise the spaces into smaller spaces, should it be necessary. The change in grade throughout the lot led to the smaller building sizes. This is a unique circumstance to the property not created by the landowner.

This finding is met for requests 5 (Lot Coverage) and 6-13 (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 2-4 (Height)

The applicant makes repeated references to factors such as the shape, grade, shallow bedrock, and a perched water table creating difficulties to both the height and floor area ratio reduction variances. These factors are all surmountable as standard parts of design and build processes.

This finding is not met for requests 1 (Floor Area Ratio) and 2-4 (Height).

Variance Requests 5 (Lot Coverage) and 6-13 (Openings/Glazing)

The grades on the property, slope of Ford Parkway, shallow bedrock, and perched water table have driven the design of the development, and accordingly, the requests pertaining to the lot coverage maximum and glazing requirements are due to circumstances unique to the property not created by the landowner.

This finding is met for requests 5 (Lot Coverage) and 6-13 (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 mixed-use development is permitted 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 heights, lot coverage, and proposed window/door 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 mixed-use development with

a floor area ratio of 1.0, building heights of 15 feet tall for buildings B and C and 12 feet tall for building D on property located at 2200 Ford Parkway PIN: 172823120094; and legally described as Northern Highland Bridge Lot 2 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 66.931 and 66.945(c) in order to construct a mixed-use development with a lot coverage of 80%, windows and doors or openings of 20% on the northern façade of the ground floor of the mixed-use building and 25% on the northern façade of building D, and with the bottom 12 feet of the façade consisting of 40% windows and doors or openings on the north side of the mixed-use building, 55% on the north side of retail building B, 55% on the north side of retail building C, 50% on the north side of retail building D, 45% on the southeast side of the mixed-use building, and 45% on the south side of the mixed-use building on property located at 2200 Ford Parkway PIN: 172823120094; and legally described as Northern Highland Bridge Lot 2 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

Kelly Kostke

