

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 24-023545
DATE: April 29, 2024

Deadline for Action: May 23, 2024

WHEREAS, Snelling-Midway Redevelopment LLC has applied for a variance from the strict application of the provisions of City Council Resolution 23-1442 pertaining to the minimum window and door opening requirement and primary pedestrian entrance requirement. City Council Resolution 23-1442 requires that all new commercial buildings have window and door openings that comprise at least 30 percent of the area around the ground floor along street facing facades; for the northern building, 19.6% and 22.3% are proposed on the northern and eastern façades, for variances of 10.4% and 7.7% respectively. For the southern building, 15.1% is proposed on the eastern façade, for a zoning variance of 14.9%. City Council Resolution 23-1442 requires that all new buildings have a primary pedestrian building entrance on street facing facades; no primary pedestrian building entrances are proposed on the northern and eastern facades of the northern building nor on the eastern façade of the southern building, for variances of this requirement in the T4M zoning district at 1566 University Avenue West (Temporary Address - NW corner of Simpson & Shields) PIN: 342923320019; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 29, 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:

Variance Request #1: City Council Resolution 23-1442 requires that all new commercial buildings have window and door openings that comprise at least 30 percent of the area around the ground floor along street facing facades; for the northern building, 19.6% and 22.3% are proposed on the northern and eastern façades, for variances of 10.4% and 7.7% respectively. For the southern building, 15.1% is proposed on the eastern façade, for a zoning variance of 14.9%. (Note: this requirement is also in Zoning Code § 66.343(b)(13), however the master plan is more specific to this property, so staff are citing City Resolution 23-1442.)

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

Window and door openings help break up building façades and add interest and vibrancy at street level to enhance the pedestrian environment and experience. Part of the Spruce Tree Avenue on the northern side of the building is lined with a covered patio, which adds vibrancy at street level to mitigate the effects of fewer windows on this facade. However, a variance to allow fewer ground floor window and door openings on the eastern facades, without any conditions, is not in harmony with the general purposes and intent of the zoning code to have development that reflects the character and urban design of Saint Paul's existing traditional neighborhoods. The applicant has taken a step to help mitigate the effects of the variance on these facades. In the elevations submitted, the eastern elevations show some visual interest and vibrancy with artistic murals. Provided that the applicant installs a visually interesting feature, such as the one shown or something acceptable to the Zoning Administrator on these eastern facades, the variance can be in harmony with the purposes

and intent of the zoning code. **This finding could be met.**

2. The variance is consistent with the comprehensive plan.

Policy LU-9 in the land use chapter of the comprehensive plan calls for promoting high-quality urban design that supports pedestrian friendliness and a healthy environment and enhances the public realm. Policy LU-10 calls for activating streetscapes with active first floor uses, street trees, public art, outdoor commercial uses and other uses that contribute to a vibrant street life. Policy LU-28 supports pedestrian-friendly streetscapes and visual interest through commercial building design. This property is unique in that it is centered around the Great Lawn, with pedestrian walkways running along the western side and through the site between the two buildings. Given the pedestrian-centered nature of the site being uniquely focused around the Great Lawn and provided that visually interesting features are installed on the eastern facades as noted in finding 1, this development is consistent with the comprehensive plan. **This finding is met.**

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.

Street frontages lining three sides of the site along with the Great Lawn on the western side of the site create practical difficulties in complying with the requirement to provide 30% window and door openings on the eastern facades, as the buildings are focused towards the Great Lawn. This creates difficulties in placing the back-of-house areas of these restaurant buildings and accordingly, create difficulties with complying with the minimum door and window requirement on the eastern facades of both buildings. **This finding is met for both eastern façade requests.**

There are opportunities to increase the window percentage to meet the requirement on the northern façade, given that the uses along the northern façade are primarily the dining room and serving area. **This finding is not met for the request for 19.6% window/door openings on the northern façade of the northern building.**

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

The request for variances of the window and door percentages on both eastern facades is due to the unique nature of this development, oriented towards the Great Lawn with street frontages on three sides of the property and is not created by the landowner. **This finding is met.**

The request for a variance of the window and door percentage on the northern façade seems to be self-created, as the zoning code does not prohibit windows in serving areas. **This finding is not met for the request for proposal for 19.6% window/door openings on the northern façade of the northern building.**

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

affected land is located.

A restaurant is a permitted use in the T4M zoning district. Granting these variances will not permit any use that is not allowed in this zoning district. **This finding is met.**

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

The proposed one-story buildings were contemplated in the master plan and granting these variances would not alter the essential character of the surrounding area. **This finding is met.**

Variance Request #2: City Council Resolution 23-1442 requires that all new buildings have a primary pedestrian building entrance on street facing facades; no primary pedestrian building entrances are proposed on the northern and eastern facades of the northern building nor on the eastern façade of the southern building, for variances of this requirement. (Note: This requirement is also in Zoning Code § 66.343(b)(12) for arterial or collector streets, however the master plan is more specific to this property, so staff are citing City Resolution 23-1442. Resolution 23-1442 states that this requirement applies to all street facing facades. Public Works has determined that all streets within the redevelopment site are considered to be collector streets.)

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

Door openings help break up building façades and add transparency, visual interest, and vibrancy at street level to enhance the pedestrian environment and experience. Although doors are proposed on all facades of both buildings, the eastern doors on both the northern and southern buildings are not primary pedestrian entrances. However, these buildings situated on a unique site that is oriented towards the Great Lawn. Provided that a unique visual feature such as a mural or other design acceptable to the Zoning Administrator is installed on the eastern facades of these buildings as shown on the elevations, the development is in harmony with the general purposes and intent of the zoning code in Section 60.103 to improve property values. **This finding could be met.**

2. The variance is consistent with the comprehensive plan.

Policy LU-9 in the land use chapter of the comprehensive plan calls for promoting high-quality urban design that supports pedestrian friendliness and a healthy environment and enhances the public realm. Policy LU-10 calls for activating streetscapes with active first floor uses, street trees, public art, outdoor commercial uses and other uses that contribute to a vibrant street life. Policy LU-28 supports pedestrian-friendly streetscapes and visual interest through commercial building design. This is a unique development, as it is oriented towards the Great Lawn. A pedestrian-only path allows access to the two buildings between them, and a pedestrian-only path lines the buildings to the west. The overall nature of the development is consistent with the comprehensive plan. **This finding is met.**

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.

The overall orientation of the buildings, with the dining areas oriented towards the Great Lawn and the back-of-house operations oriented towards the eastern side, along with the fact that public streets abut this property on three sides, this creates practical difficulties in providing entrances on the eastern facades of both buildings. **This finding is met for the request to omit primary pedestrian entrances on both eastern facades along Simpson Street.**

However, staff believe that it is possible to add a primary pedestrian entrance on the northern façade of the northern restaurant building, similar to the door on the southern entrance of the southern building into the dining room. Staff do not believe that there are practical difficulties in complying with the provision for this request. **This finding is not met for the request to omit a primary pedestrian entrance along Spruce Tree Avenue.**

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

The unique nature of three frontages and the orientation towards the Great Lawn is a circumstance unique to the property, not created by the landowner for the two eastern primary pedestrian entrances along Simpson Street. **This finding is met for the omission of two primary pedestrian entrances on Simpson Street.**

Staff believe that the plight is self-created for the primary pedestrian entrance along Spruce Tree Avenue, as the dining room abuts this side of the building, where an entrance could be included. **This finding was not met for omission of a northern primary pedestrian entrance along Spruce Tree Avenue.**

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

A restaurant is a permitted use in the T4M zoning district. Granting these variances will not permit any use that is not allowed in this zoning district. **This finding is met.**

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

The proposed one-story buildings were contemplated in the master plan and granting these variances would not alter the essential character of the surrounding area. **This finding is met.**

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of City Council Resolution 23-1442 in order to construct the northern restaurant building with 22.3% window door openings on the eastern façade along Simpson Street and 15.1% window door openings on the eastern façade of the southern restaurant building along Simpson Street, and omitting primary pedestrian entrances on both buildings along Simpson street on property located at 1566 University Avenue West (Temporary Address - NW corner of Simpson & Shields) PIN: 342923320019 ; and legally described as MIs Soccer Redevelopment Lot 1 Blk 4; 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 the applicant installs a visually interesting feature, such as the one shown or something acceptable to the Zoning Administrator on the eastern facades of**

both restaurant pavilions.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of City Council Resolution 23-1442 in order to construct the northern restaurant building with 19.6% window door openings on the northern façade along Spruce Tree and omitting a primary pedestrian entrance on this same building along Spruce Tree Avenue on property located at 1566 University Avenue West (Temporary Address - NW corner of Simpson & Shields) PIN: 342923320019 ; and legally described as Mls Soccer Redevelopment Lot 1 Blk 4; in accordance with the application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY DENIED.**

MOVED BY: Dayton

SECONDED BY: Schweitzer

IN FAVOR: 5

AGAINST: 0

MAILED: April 30, 2024

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 meeting held on April 29, 2024 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

Peter Bettenberg

Peter Bettenberg signing on behalf of
Maxine Linston
Secretary to the Board

