

GENERAL MINUTES  
MICROSOFT TEAMS VIRTUAL HEARING  
THE BOARD OF ZONING APPEALS  
SAINT PAUL, MINNESOTA  
NOVEMBER 01, 2021

BOARD MEMBERS PRESENT

Robert Clarksen  
Daniel Miller  
Luis Rangel Morales  
Thomas Saylor  
Danielle Swift  
Diane Trout-Oertel  
Marilyn Porter

STAFF PRESENT

David Eide                   DSI  
Yaya Diatta                   DSI  
Tia Anderson                 DSI  
Maxine Linston               DSI  
Farhan Omar                 DSI  
Peter Warner                 City Attorney

MEMBER(S) ABSENT

None

APPROVAL OF MINUTES for OCTOBER 18, 2021

Moved By: Trout-Oertel/ Second By: Saylor

APPROVAL OF RESOLUTIONS - None

**Old Business:** None

**New Business**

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
21-310398	1446 Summit Avenue-Thomas Schroeder	Clarksen	Rangel Morales	4-2	Denied
21-310415	337 7 <sup>th</sup> Street West- Ackerberg Group	Trout-Oertel	Saylor	7-0	Approved with conditions
21-310035	2192 Ford Parkway (2B)	Rangel Morales	Saylor	6-0	Layover for two weeks
21-310036	2192 Ford Parkway (2C)	Rangel Morales	Saylor	6-0	Layover for two weeks

Submitted by: Maxine Linston

David Eide

Approved by:

Daniel Miller, Secretary

## BOARD OF ZONING APPEALS HEARING MINUTES

MICROSOFT TEAMS VIRTUAL HEARING  
THE BOARD OF ZONING APPEALS  
SAINT PAUL, MINNESOTA  
NOVEMBER 01, 2021

PRESENT: Members of Board of Zoning Appeals: Mr. Clarksen, Mr. Miller, Mr. Rangel Morales, Mr. Saylor, Ms. Swift, Ms. Trout-Oertel, Ms. Porter

Department of Safety and Inspections: Mr. Eide, Mr. Diatta, Ms. Anderson, Ms. Linston, Mr. Farhan

Legal: City Attorney Peter Warner

ABSENT: None

The meeting was chaired by Daniel Miller

Chair Miller- All right, good afternoon, and welcome to the board of zoning appeals. Our purpose is to review and decide request for zoning code variances administrative reviews and request to modify the home occupation requirements for handicapped individuals. If you intend to testify, we ask that you start your remarks by giving your name and address. Staff will first show slides of the site, a presentation of findings and a discussion will follow. I will then call in the applicant, those in favor and those opposed, at that point the board might call back the applicant in case we have additional questions. I will then close the public portion of the hearing and the board will vote to approve or deny the request. The board's vote is final unless appeal to the city council within 10 days.

We will take the cases in the order they appear on the agenda unless there's opposition. For cases with opposition the board reserves the right to move those cases to the end of the agenda. A few words on speaker time. The board limits this to a total of 30 minutes for those speaking in favor and an equal 30 minutes for those speaking in opposition. Individual speakers are limited to three minutes each. Please be mindful of this. If you have submitted a letter or email just a reminder that there is no need to read those documents as they are already part of the record. Please provide your key points without repeating ideas, presented by the previous speakers. One more note; on our virtual meeting please remember to mute yourself when you're not speaking and there's no need to share your video. It helps with bandwidth if you do not do that.

Present today from the Department of Safety and Inspections are Tia Anderson, Yaya Diatta, David Eide, Farhan Omar, and our secretary is Maxine Linston. Also present today is counsel Peter Warner.

At this point, I'll ask the secretary to call role of those board members in attendance for today's hearing Maxine.

Ms. Linston- Clarksen-Yes. Rangel Morales. Rangel Morales. Saylor-Yes. Trout-Oertel-Here. Swift-Here. Porter. Porter. Miller-Present.

Chair Miller- Thank you, Maxine.

**Approval of Minutes for October 18, 2021** Chair Miller- Our first order of business is the approval of minutes for October 18, 2021. Can we get a motion for the approval of the minutes? All those hands, so Ms. Trout-Oertel.

Ms. Trout-Oertel- I will move approval of the minutes.

Chair Miller- Saylor.

Mr. Saylor- This is commissioner Saylor. I second that motion.

Chair Miller- Okay, the motion for the approval of the minutes has been approved and second. Maxine, can we get a roll call for that?

Ms. Linston- Swift-Yes. Clarksen-Yes. Rangel Morales-I just joined so I'm going to abstain. Trout-Oertel-Yes. Saylor-Yes. Miller-Yes.

**Moved By: Trout-Oertel /Second By: Saylor**

**Approved 5-0**

**Old Business:** Chair Miller- All right looks like we don't have any old business.

**New Business:**

**1446 Summit Avenue:** Chair Miller- This property has two existing detached garages totaling 908 square feet in size. The applicant is proposing to demolish one garage and construct a new garage, resulting in a total of 1438 square feet of accessory structures. The zoning code limits the footprint of accessory structures to 1,000 square feet for a variance of 438 square feet. David Eide, I see your name on this one. Is that correct?

Mr. Eide- Yep. Thank you chair Commissioners. This is David Eide with the city of St. Paul Department of Safety and Inspections today. I'm here to present 1446 Summit Avenue. Do you usually read the purpose statement? I can get into that. So, the purpose statement of this zoning variance is: the property currently has two existing detached garages and I've got it right here on your screen. My cursor is on the property. So there are two detached garages that total 908 square feet in size. The applicant is proposing to demolish one garage and construct a new garage, resulting in a total of 1438 square feet of accessory structures. The zoning code limits the footprint to 1,000 square feet. So they're asking for a variance of 438 square feet. So this is 80 foot wide by 200 foot long lot located on the south side of Summit Avenue between Pascal Street South and Albert Street South. Like I said, there are two detached garages in the southern side of the parcel that are accessed via the alley. There's a one stall clapboard-sided garage, which is harder to see here, where my cursor is over at, on the west side of the property kind of setback from the alley a bit where my cursor is, and then there is the other garage that's near the alley. And then the one stall clapboard garage is contributing to this historic district and is proposed to remain. I can pull up the HPC map here. This property is in both the West Summit Avenue Historic District, which is National and then the local West Summit Historic District. So the applicant went to the HPC and had them review this plan. So, the surrounding land uses are single family to the north (R2 zoning), single-family to the east, multifamily and duplex to the south and then that's RM2, multiple family and OS office service, and then to the west R2 single family dwelling.

So the section of code that the applicant is asking for a zoning variance from is 63.501 which states that you may have or that you can have up to three accessory buildings that don't exceed 1,000 square feet on the zoning lot. So we did check the rear yard. You can cover up to 35% of the rear yard plus half the alley. The applicant would not be exceeding that so they would be only exceeding the 1,000 square foot rule. So now I can get into the findings and then after the findings, I can get into the plans. Basically, the garage on the bottom right side where my cursor is hovering over that is what they're proposing to demolish and rebuild a new ADU. Well, it's a new garage with the potential for ADU. So harmony with the general purposes and intent of the zoning code: there are two detached existing garages. One is contributing at 318 square feet and then there's a 590 square foot non-contributing garage. The applicant can't remove the contributing one. The applicant states the existing garages are too small to meet their parking and personal storage needs. As a result, they're proposing to remove the existing two-stall garage and construct a new three-car detached garage with the potential for an ADU on the second floor. The applicants are proposing this new larger three-stall garage, they're proposing it so that it can accommodate their vehicles, trailer, and woodworking and home restoration hobby. The new garage would not be easily visible from the street. The zoning code prohibits a home occupation in an accessory building or garage. Provided that the garage is not used for commercial purposes or for a home occupation, this request aligns 30.103 of the zoning code to conserve and improve property values. We find that finding to be met. As far as the comprehensive plan goes, this proposal in alignment with LU-4 which encourages flexible building design to encourage ongoing functionality in viability. That finding is met. As far as practical difficulties go:

so the existing garage that is contributing; the applicant states that it's not usable for storage, or for their vehicle, boat or trailer, due to the low clearance of the overhead door and it's relatively short depth. Because that contributing garage of 318 square feet is required to remain, it decreases the potential size of a new garage that can be built on the property. The rear yard is relatively large, and the applicant will not be exceeding the 35% max rear lot coverage rule. And in order to accommodate the interior stairway and provide needed depth for the applicant's pickup truck and personal belongings, a larger garage is needed. These conditions are practical difficulties in complying with the provision. This finding is met. The plight of the landowner circumstances unique to the property not created by the landowner; the existing contributing garage that must remain and contributes towards the square footage of the accessory structures. It was not constructed by the applicant and it's a circumstance unique to the property, not created by the landowner. That finding is met. This garage and accessory buildings are permitted in all zoning districts. It will not permit a use that's not allowed in the zoning district. This finding is met. The variance will not alter the essential character of the surrounding area. It's proposed to be located in the rear of the lot along the alleyway. It was reviewed and approved by HPC and there are similar structures along this alley. When you might note in the application, the applicant did send photos of nearby garages in this alleyway. We don't believe that this would alter the essential character of the surrounding area. This finding is met.

**Correspondence-** District Council 14 Mac Groveland Community Council did submit a letter, recommending approval of the variance request dated October 26. It is in your packet. Staff have not received any correspondence regarding this case. Based upon findings 1 through 6, staff recommends approval of the requested variance subject to the condition that the garage is not used for commercial purposes or as a home occupation. And then I can show you the plans here that were submitted.

Here are the photos. That's the contributing garage. And then the applicant submitted photos of nearby garages, but here's the elevation from of the new garage proposed from the alley. From the right, from the left, the view from the house looking back at the garage and then the interior, of the foundation, and the floor plan and what not. You can see this the parking spaces inside the garage and then the stairway is behind them. And that was one of the reasonings why the garage is larger to accommodate the interior stairwell. The applicant states that in the future, they might want to permit this as an ADU, but at this time they are just permitting it as an accessory structure. They are permitting it as a garage. I think that pretty much is the main gist of this. If the board has any questions, for me I'm happy to answer them.

Chair Miller- Thank you, David. Yeah, let's see. It looks like commissioner Trout-Oertel

Ms. Trout-Oertel- Thank you. Chair Miller. There's a discrepancy in the in the numbers between the applicant's application and the staff report. And I have a couple of questions; is the shed next to the existing garage that needs to remain going to stay? Or is it going to be demolished?

Mr. Eide- That is a great question. So, during the application process. I did notice on the survey that there was that shed next to the proposed contributing garage, and I can zoom in, on the photo here. It's kind of like a lean-to structure. The applicant's application that was submitted was not including this in their measurements. So, I did add this in because it does count towards the total for accessory structures.

Ms. Trout-Oertel- Thank you. And I think that makes a big difference whether it's being demolished or not because it adds to the square footage of the total accessory buildings and perhaps, we would not need to count that. So we'll ask the applicant that question. Thank you.

Chair Miller- Any other questions for staff?

Chair Miller- Well, I have one. So I guess the math of it is a lot of the reasoning for meeting the conditions is that there's an existing 308 square foot garage that is required to remain there. There wasn't as much to address why the garage that is being built is 1,120 square feet. Whether that 308 square foot historical garage is there are not, this garage would still need a variance of 120 square feet. You mentioned the stairwell but any kind of comments about that situation?

Mr. Eide- Yes, so the applicant storage needs in addition to the stairwell were driving this and compared to the size of the rear yard, it seems reasonable. But I suppose the applicant could speak to that also.

Chair Miller- Other questions for staff? Okay, seeing none, I will invite the applicant to come virtually up. Is the applicant here?

Applicant- Yes. Hi, this is Tom Schroeder, applicant and owner of 1446 Summit.

Chair Miller- And what would you like to add to the staff report?

Mr. Schroeder- Okay. So, related to the first question around whether I'm going to knock that building, the small building down. There is not current plans to do that. Our original exploration with builders was to see if we could knock that down and replace it with a single-car garage, but I've had multiple contractors come back to me saying if we were to do that, I would have to take that tree out. That is an old growth border tree, and we don't have a desire to impact that tree. So, at this time I did not even include knocking it down or going to HPC for trying to get it knocked down because in the end, in the future, if we do decide to keep it, we won't be able to make it bigger. Right now every builder has told me because the foundation is actually below grade. You see in some of those pictures. I haven't really figured out how what we're going to do that too without impacting the tree. And you'll see in the blue highlights there, that is one of the peculiarities is the roots are now coming above into the driveway and that has been one of the issues with the foundation inside the building is that it's impacting and buckling the interior foundation from the roots being grown under. And then also related to the current 28 by 40 foot garage size. Yeah. I think I confirmed our current garage size even without the contributing garage it does exceed, its eleven hundred and twenty square feet. Part of the desire here is for vehicle storage in there. It's proposed at 28 feet in width or sorry, in depth that could handle fitting my truck in the, the staircase needs approximately four and a half to five feet of clearance. And also, I have a boat that is 22 feet. So, that's kind of been the maximum width we'd have because 28 feet it will give us about one to two feet of clearance between the boat and the staircase. That's kind of set the desired depth of the building. And the desired width is mainly, so I can use that third car stall as both a workshop for a lot of the home renovations we're doing trying to keep up with the historic home we have on the property but also a woodworking and other things that I could still use it as a as a trailer or vehicle storage while also using it as a workshop or the hobbies that David had pointed out.

Chair Miller- Okay, thank you. Before I open this up to questions to you, I just want to ask commissioner Trout-Oertel if that explanation addressed what your concerns were?

Ms. Trout-Oertel- No, I did not get an answer to the question, is the shed going to be removed?

Mr. Schroeder- No, that's not the current plan. There are no current plans to remove the shed.

Ms. Trout-Oertel- Okay, it has been pointed out that a variance would still be required. So perhaps that is not the most important thing to discuss right now. I would like at some point. Well, I would ask the question, does the boat have to be parked in the stall where the stair is? In other words, you're saying the length of the boat and the fact that the stairs are there is what is requiring the depth of the garage.

Mr. Schroeder- Yeah, boat as one thing. I have a boat that's 22 and a half feet in length, but I also have a truck with an extended cab pickup. So, as we move around and figure that out, as you can see the staircase. If I were to put the boat in either of those stalls, it would be impacted by the staircase. If I put it in the third stall, it would likely be impacting the workshop area that I wanted to have for ability to put in different, you know, with tools like I have like lathes and table saws and things like that.

Ms. Trout-Oertel- Okay, so maybe it's coming down to the square footage allotted to the workshop area, which will need a figure on at some point perhaps. Thank you.

Chair Miller- Looks like we have a question for you from commissioner Clarksen.

Mr. Clarksen- Yeah, I appreciate commissioner Trout-Oertel's question about the shed and the answer given had to do with the tree and then I guess further elaboration not having a plan for removing the shed means you have I'm going to

interpret that as you're not going to remove the shed and so you want that as well. And so this the I did my own math because from the way it was explained, that was not factored in. So I'm coming up with closer to 1500 square feet total floor area. I'm not, it was sort of a question, but I think it's become more of a comment that it looks like the justification to have a lot of stuff is a big yard, I think, is what I'm getting to understand and I'll leave it at that and yield to others. Thank you.

Chair Miller- Commissioner Rangel Morales.

Mr. Rangel Morales- Maybe I missed this but what it says that the applicant is considering perhaps turning it into an ADU and then there's a notation in the comments by staff that it shouldn't be used for home occupation. Would that mean that it couldn't be used for an ADU?

Mr. Eide- Board member Rangel Morales. That is about the home occupation ordinance, and just states, that you can't run a home occupation out of an accessory structure or garage. So that would not prohibit it from being used as an ADU as long as they go through the whole permitting process that's required of an ADU in the future.

Mr. Rangel Morales- And then I had a follow-up question with regards to the practical difficulties. I understand that there that there's a garage as part of the historic district or labeled historic. But even with that, the new garage is still a hundred feet bigger. So I could see how if it was 1,300 feet, that would meet that condition. Considering that 300 are for a garage that can't be removed and is not large enough to be used as a garage in today's time. But it being 1400. What is the practical difficulty in going above those extra hundred feet?

Mr. Schroeder- This is Tom Schroeder. I guess part of that, if you look at the reasoning for the eleven-hundred-and-twenty-foot square garage itself was the need for depth for building because the staircase contributing to the lack of depth for longer vehicles, or the boat trailer I stated. And then the existing width on that if you see a lot of it is contributing to the right-side workshop area that I still want to use it as an area that I can use as a workshop while also possibly storing a vehicle in there when at the same time. So that, that is the 28-foot.

Mr. Rangel Morales- But I'm just wondering, where's the where's the? I understand that. Those are all conveniences, and I'm just trying to understand where the practical difficulty in making this the building smaller. I can understand what you're saying, sir, in terms of all you want to do in this space, but then I mean, why not build a 2,400 square foot building. I mean, it's so I'm just asking staff about their rationale under practical difficulty?

Chair Miller- David would you like to address that again? And then I'll get to commissioner Clarksen next?

Mr. Eide- Sure. Thanks. So it's 1120 square feet is proposed. If you go forward by 40, that's about a hundred and a hundred sixty square feet. So in you know, if they were just going to have the stairs and then jog it in. I don't know, having one wall is more efficient than creating a jog. So the stairs do essentially create, you know, a hundred and sixty square feet a little bit less than that to the depth. If we're going to make these, this double garage more usable for the applicant.

Chair Miller- Okay. Sorry, commissioner Clarksen. Did you did you lower your hand? Sorry.

Mr. Clarksen- Yes, I did.

Commissioner Trout-Oertel- I've just been doing a little math and I have a few things to suggest and the applicant might want to respond—or not—to these. If the workshop area—the shelves—on the right side. I'm sorry. Well know what I think that's the east side if those were removed and if the shed was removed there would be no need for a variance. So perhaps, you know, the applicant wants everything, but maybe there are some things that he could give up on, in order to make this comply. I also think the entrance to the double garage could be underneath the entrance to the upper level. So that would give a little more room, perhaps, for the workshop function. That's all I have. I guess, excuse me, I was trying to say that the difficulty question is, I think, we have not established that this size of garage is really needed and so it would probably be the onus would be on the applicant to address that further.

Mr. Schroeder- So as you see what's depicted on the deep shelves, those actually would be workbenches, right? That was my blueprint kind of lays out where I kind of have blueprint. If I were to shorten it to less than 40-foot. I certainly could tighten up the doors, but that would limit storage space for things like snow blowers, mowers, other things that we want to keep in the property and also limit down limit the ability for me to have all my tools set up on the work benches which need their own dedicated space. So the desire there is to be able to have the tools and be able to walk around a vehicle or trailer that might also be in that third stall. Since I have both two vehicles and a trailer or a boat and so that that's the desire on the plan rather than having to store a trailer or boat outside into the in the backyard.

Chair Miller- I'll get to commissioner Morales. One sec. I just have a follow-up on that. What do you store in the, in the existing garage that you can't tear down?

Mr. Schroeder- Well, the existing garage basically right now is just storage for everything that is in the garage that's going to be torn down. But the length of it, I cannot use that building both because of the height and I can't make it longer without impacting that tree. It is only 20 feet long. I have a 22-foot boat. So that is the desire for having a deeper building that I can put that trailer and boat in. And also, I mean, as we stated, the height of that door, as you see on the picture, the height of that door is only like five and a half feet. So I'm limited in, if I want to use that even for vehicles, what I can do in there. I currently have a truck and a Chevy Volt and so I'd be limited in even running the electrical over to that. It has to be addressed, I've been propping it up. Trying to make sure it stays straight. As you can tell. It's a little out a plum, but until we figure out if we end up having to replace it, it would only be able to be replaced either with that similar structure according to HPC since it is contributing, or I'll have to figure out how to straighten it up or same size building.

Chair Miller- Okay, I guess vehicle-wise that certainly makes sense. You brought up mowers and snow blowers though. I know that those would fit under that door.

Mr. Schroeder- So yeah actually right now my push mower and I have my garage cleared out today because of course once they tear it down, everything is approved going in the winter, everything I own is stored in that garage and in external storage units off my property.

Chair Miller- Okay, thank you. It looks like commissioner Clarksen.

Mr. Clarksen- Yeah, for the applicant, I guess, so this discussion has me a little confused. You have a garage that the HPC says you need to keep, but you've noted in this photo that we're looking at, the issues with that building and the repairs that are going to be necessary. You've went as far as saying potentially it would have to be replaced but we'd have to put it back the way it was. So there's the possibility that you need to rebuild that thing, but you're not sure yet right now is way it sounds. I think, I'm trying to put together exactly what my thought process is here, as I'm trying to do this on the fly, but it seems to me this is all kind of not very well thought out. And I guess, I'd like to understand better what the intentions for addressing the problems you have with this existing building are, before we start thinking about how it impacts your ability to build a structure that's two and a half times its size right next to it. Something about that logically seems out of sequence to me and I can't get past it. So perhaps you can comment on what your intentions are to repair or replace this structure per the HPC guidance you received. Because I think that that weighs heavily on the board's decision about what garage variance is even conceivable. So I'll leave it at that.

Mr. Schroeder- So the guidance I got from HPC when we went into this and I think I've stated this, is originally my original design was to replace that building with a larger size single stall shed that I could put a trailer in which would I have to introduce making it longer and wider. And that's where I said the builders said...I've had multiple contractors say well, you'll need to take the tree out because we see roots in all of that. And since we didn't want to do that, what we resign ourselves to is, if we're going to do anything with that building, it will not be able to be for vehicle storage or trailer storage. It would be no more than a shed is what we were resigned to because our desire is to not impact the tree that's right there. So then we've shifted over to saying, well then if we and also, I haven't gone to HPC that wasn't included in my HPC application because it is contributing. So first, I'd have to lay out a plan on that small one, when it ultimately, I can't build, I've resigned with the contractors that I can't build a full-size garage there in that location where

it is currently located. So there has been a lot. I mean this started over a year ago since in I've been in this property for two and a half years, in trying to figure out, how do I get three stalls worth of garage in my property? So then we've shifted to the larger size single unit replacing the current two-stall into a three-stall and then trying to address if we have to take that down or what I would do is whether we can lift the entire building up and keep it in place since it is contributing. But in either, in either case, I can't use that building as a full-size garage. And I and I haven't proposed tearing it down, that wasn't included in it because we want to salvage it or save it in some way or form, but not really sure, right now, what we can do with that. Because of and basically the builders I have working for me on this garage have given me some ideas and it may be the next project. But I know from a fact that I know based on what they've told me if it's saved, if I don't have it knocked down, that it'll be no more than a shed based on its size.

Chair Miller- Commissioner Trout-Oertel

Ms. Trout-Oertel- I wonder if Mr. Schroeder has thought about fixing the garage that has to remain and then use that as the workshop area. So that the garage could be smaller. That one side could be where the shelves are, could be taken away. And then the garage and the new garage would conform.

Mr. Schroeder- One of the limitations I have is the power over there. Currently there is only a 14-gauge wire running over there and while I can re-run the wire and we have; will have to determine what we can even do with the foundation on that. I certainly need more headroom for doing woodwork. There are also some limitations when you do woodwork with the width of it only being 12 feet, which today, I have to bring tools like my table saw out into the into the driveway in order to do cuts like that. So, when you're doing some of this stuff, it is nicer to have a full length and width based on the size of the lumber that you're storing and how you have to use it.

Ms. Trout-Oertel- Yeah, actually, I understand totally what you're saying now about the height required for the workshop and the to the tools you have. Thank you. Okay.

Chair Miller- Okay, it seems like that's the questions we have for the applicant. I'm going to ask for other people, but applicant could you just stick around in case we have any questions for you? I can call you back. But otherwise just keep yourself on mute and just wait, we might call you back. Is there anyone else that is here to speak in favor of this application? Anyone in favor? Anyone else to speak in favor? I don't see any. Is there anyone here in opposition? Anyone want to speak in opposition to this variance request? Anyone in opposition? Okay. Well not seeing any, I'm going to close the public portion of the hearing. And I guess quickly to recap, we've got a District Council recommendation of approval, a staff recommendation of approval, and I'm just checking to see with the condition that the garage is not used for commercial purposes, or as a home occupation. So any motion or any further discussion? commissioner Trout-Oertel?

Ms. Trout-Oertel- Not at this time. Thank you.

Chair Miller- Sorry, your hand was still up.

Ms. Trout-Oertel- Sorry, it's down. Should be down.

Chair Miller- Mr. Saylor.

Mr. Saylor- Yeah. This is a really interesting discussion and, on both sides, from the applicant as well as staff. But to move this forward, I'm going to make a motion that we go with the staff recommendation, which was to recommend approval with the condition that the garage is not used for commercial or as a home occupation and we'll see where that motion goes, thanks.

Chair Miller- Okay, we've got a motion for approval. Anyone care to second? We will need a second for this to continue. Anybody care to second that motion?

Ms. Swift- I'll second that motion chair. This is commissioner Swift.

Chair Miller- Okay, moved for approval by Saylor and second by Swift. Maxine, can we get a roll call?

Ms. Linston- Roll call for approval - Clarksen-No. Morales-No. Trout-Oertel-No. Porter-I'm going to abstain because I jumped on the call late, so I did not have the benefit of the entire conversation. Okay. Thank you. Saylor-Yes. Swift-Yes. Miller-No. Approval did not pass. 2-4 (2-approve, 4-deny and 1 abstain)

Chair Miller- Okay, so procedurally, this is the first time I've had to deal with this. So if anybody notices me doing something wrong just please speak up. As far as I understand that motion did not pass.

Mr. Warner- Peter Warner from the city attorney's office. That's correct. Since the motion I'm sorry, since the staff report recommended approval and that motion to approve has failed, that's a failure of the application and so now you're going to have to come up with reasons why the application does not meet the requirements for granting a variance.

1. And you'll have to articulate those on the record. That's the first step. Whoever makes that motion will have to do that.
2. Then the next step will be when you vote on that. Each commissioner will have to indicate if they're voting in favor of a denial. They'll have to indicate their reasons why they're doing so, that can be as simple as adopting the recommended findings made by the maker of the motion or adding their own to it. Keeping in mind that your factual reasons have to be based on what's on the record.

Chair Miller- Okay, so we don't need to articulate the reasons for voting no, unless we have a motion to deny then we do articulate our reasons. Is that right?

Mr. Warner- You're going to need a motion to deny. So, at some point somebody's going to have to articulate some reasons to today.

Chair Miller- Okay, I understand. Okay, I see commissioner Clarksen.

Mr. Clarksen- Yeah, I would make a motion to **deny** the request based on, in particular the applicant hasn't demonstrated that the circumstances are unique to the property and not created by their interest. What we heard from information presented by staff and on the record is that there's a lot of things happening here and a lot to store. He does have a large lot, but those things in and of themselves are not consistent with finding four and that's what I'd offer as our rationale for why we wouldn't approve this variance as proposed today.

Chair Miller- Okay. So we've got a motion by Clarksen to deny.

Mr. Rangel Morales- Seconded by commissioner Rangel Morales, for the same reasons.

Chair Miller- To deny based on findings four and seconded by Rangel Morales. Maxine, can we get a roll call?

Ms. Linston- Roll call to deny. Saylor-No. Trout-Oertel-Yes. Swift-No. Porter-Once again, abstaining for the reasons I've articulated before. Clarksen-Yes. Rangel Morales-Yes, for the reasons articulated by the maker of the motion. Miller-Yes, for the reasons articulated by the maker of the motion.

Chair Miller- So the motion to deny has passed. So your variance request has been denied and the board's decision is final unless appealed to the city council within 10 days. Mr. Warner?

Mr. Warner- Thanks chair. What I would suggest that the board do now is we've had commissioner Clarksen articulate the reasons. Those have been adopted by those voting in favor. We will have to reduce those reasons to a writing. We can present that to the board at its next meeting, and you can review it then, just to make sure that the reasons articulated are exactly as commissioner Clarksen envisioned. I sort of made some rough notes here, but I'll have to sit down with staff and listen to the tape to make sure that we accurately write what was said. With that in mind then perhaps you take, I don't know how to articulate this, you'll vote again, if you're willing to accept that modified resolution at the next meeting and perhaps that's when the 10-day appeal period starts rather than having the applicant if he chooses to appeal to the city council have to sort of shoot in the dark, as to what the actual language is that he's

appealing. He'll have to claim some error in that if he chooses to appeal. So if that seems like a reasonable approach here, I think that will make it easier on staff because I don't have exact language right now to say this is the language.

Chair Miller- I think that does make sense. We can wait till we have a written resolution that we can review and we can also then vote on that. And then that does start the 10 days. I guess that's all for that one. Thank you.

Chair Miller- Sorry, the commissioner Clarksen, I saw your hand go up. I was going to move on but if you have one more comment.

Mr. Clarksen- I don't know. Maybe my elaboration on it, made it more difficult. But essentially with saying that the circumstances are created by the landowner and hopefully that will be...if that's more simple. That was my intention. So, be it as it may, if we have a revised resolution next week, next time. I wasn't trying to make it more difficult.

Chair Miller- Okay. Well, I think that Mr. Warner's suggestion...We'll make sure that we kind of cross our T's and dot our I's. So we'll go that route and we'll look for the resolution maybe in our in our packets next time.

**Moved by: Clarksen / Second by: Rangel Morales**

**Denied 4-2**

**337 7<sup>th</sup> Street West:** Chair Miller- The applicant is proposing to install a projecting sign on the southeastern facade of this new mixed-use building. The zoning code allows a maximum size of 16 square feet for projecting signs. A 48 square foot sign is proposed for a variance of 32 square feet. And David, I see your name on this one again, too.

Mr. Eide- Thank you, chair Miller and Commissioners. Again, this is David Eide with the Department of Safety & Inspection's Zoning Division. Today this case is about 337 Seventh Street West and I will present my screen here. The satellite imagery does not represent what is currently here. There is a mixed-use building that spans the block from 7th Street to Smith and I believe that in the packets that you received there was a site plan. So this is a 0.6-acre parcel on the west side of 7th Street West between Leech and Smith. The parcel has two frontages. Like I said, the eastern half is on Leach Street, the Western frontage on Smith. And then there's a new seven-story, mixed-use development with 193 dwelling units and 110 parking stalls that are accessed via Smith. That is under construction at this site. The surrounding land uses: as you can see that the hotel to the north was under construction in this satellite view that's zoned T2 and then there's some surface parking to the east, there's multi-family residential. My cursor is on it, RM2. To the south is an office use zoned T2, and then to the west is a duplex and four-plex zoned T1. The section of code that the applicant is requesting a zoning variance is 64.503, which states that the maximum display area of a projecting sign should be 16 square feet per side in a T zoning district and this zoned T3, which is a traditional neighborhood zoning district. So they're like I said, there's a new mixed-use building under construction. The projecting sign is to identify the name of the apartment building that is here. So I will note in the packet. There were other signs shown. I just want to clarify that the only sign that the applicant needs a variance for is the projecting sign. That is the 48 square foot sign. The rest are permitted by right, so hopefully that didn't confuse anyone. It's the building sign; number two. So the rest are not what we are talking about today. It's just the building sign to that the applicant submitted. I just sent over the whole sign proposal, but they had submitted their master sign plan, which is required for mixed-use developments. Hopefully that clears that up. And then their application that they had submitted. So now I can get into the findings here regarding this projecting sign. So the harmony with the general purposes and intent to the zoning code; the proposed projecting sign to be installed on the Southeast facade along Seventh Street. They've submitted a nice site plan here that shows because it's kind of confusing at the Leech and 7th, but it will be projecting towards seventh. That's the proposal. So the zoning code states that the maximum display area that's permitted to 16 square feet. The applicant is proposing 48 square feet. Given the size of the building—it's seven stories tall and it's with spanning most of the lot—the additional square footage is needed for the sign to be appropriately scaled to the building. The additional square footage is necessary to provide wayfinding for occupants and visitors to the building. The property is located in a vibrant mixed-use district, and larger identification signs are helpful for those not familiar with the area. This request is in keeping with the purpose and intent of the sign ordinance to protect the right of information transmittal and to identify and promote business and industry in the city. This finding is met. As you may be aware, there are additional findings for sign variances. And I got into those in the staff report here, 64.207 unusual conditions pertaining to the sign needs for the

specific lot. This building is on a four-lane state highway, which is Minnesota highway number five, which is also known as Seventh Street/Fort Road. It's a wide thoroughfare. This is a prominent structure in a relatively narrow and long lot. The sign will draw attention to the structure. The 16 square foot maximum display area allowed in the zoning code would be insufficient for adequate visibility. The greater sign will allow the applicant to properly identify their building along the 7th Street Corridor. As far as it not creating a hazard, it will be professionally designed and installed by a licensed contractor. It won't create hazard. As far as it not being objectionable to adjacent property owners: We did not receive any objections from directly adjacent property owners. That finding is met. The sign not adversely affect residential property through excessive glare and lighting: the applicant states that only the letters on the projecting sign will be illuminated internally. In addition, it will be on a dimmer switch and then this is not in the staff report, but staff propose to add a condition that the minimum illumination of the sign shall not exceed one half foot candle above the ambient light level as measured 50 feet from the signs face, which is a standard that typically applies to signs that are in residential districts. Staff are proposing that to ensure that it does not adversely affect nearby residential uses. The sign is in keeping with the general character of the surrounding area. There are several buildings with identification signs nearby. The hotel to the north has two 86 square foot projecting signs and the sign would be smaller in size than that. This finding is met. As far as the comprehensive plan, the proposed vertical 48 square foot. Projecting sign is designed to complement the building and I can show you the elevations which you may have seen a glimpse of, to show that it does correspond nicely with the height and it's in scale with it. This request is in keeping with the comprehensive plan policy LU-5 which encourages flexible building design to ensure ongoing functionality and viability. This funding is met. As far as practical difficulties: this is a commercial area. Given that, and the scale of the building, and its location along Seventh Street, which is a prominent thoroughfare, the additional square footage is necessary for wayfinding purposes. This is reasonable and it would appropriate fit the scale of the building. This finding is met.

As far as the plight of the landowner being due to circumstances unique to the property not created by the landowner, this parcel spans the block, it has two street frontages. The building is set back slightly along 7th Street and the mixed-use building across Leech is built directly up to the property line. A larger sign will overcome the narrowness of the lot and will draw attention to the building and help overcome the setback condition. This is a circumstance unique to the property not created by the landowner. This finding is met. Signage is allowed and all zoning districts. The variance will not alter the essential character of the surrounding area as it is consistent with other signage in the area will not change the commercial nature of the area.

### **Correspondence**

Staff did not receive a comment from District 9 regarding this variance request. As of the date correspondence was received, we received two letters in opposition to the requested variance. One was from an individual who did not provide their address, and another was from 56 Leech Street, which is to the south across Seventh Street, but it's further south and I can show you on the map 56 Leech Street is down here and then based upon findings one through six, staff do recommend approval of the requested variance.

There's a map of the site. Here is the front on view of that sign. So this is looking, if you're standing on Seventh Street looking directly towards it, this vertical line would be that sign and obviously, you can't see it. If you're unless you're standing to the side, what the words are on it. It'll say ALVERA. This is the site plan that shows the mixed-use building spanning the lot. They have other signage proposed, but the other signs are permitted by right. So this is only about the projecting sign. This looks like it's from the alley. So there is a little sign that's permitted by right for the art gallery. And here's what the proposal is. It's like I said, staff recommended approval subject to the condition that the maximum illumination of the sign shall not exceed one half foot candle above the ambient light level as measured 50 feet from the signs face. So if the board members have any questions, I'm happy to answer.

Chair Miller- Thank you. David, any questions for staff?

Chair Miller- I have a question just based on some of the comments in the email of opposition. Did we did we see this before? Have we granted these variances? In the email it seems like we granted many variances already. I don't recall seeing this before, but do you remember?

Mr. Eide- Chair Miller and board members that was before my time with the board. I'm just searching right now to see.

Mr. Warner- Chair Miller, what was granted in the past year, I believe this was handled by the Planning Commission. Perhaps commissioner Rangel Morales remembers.

Mr. Rangel Morales- I do remember this project pretty well. I don't remember that it came as part of a rezone /conditional use permit with a variance or what it was. But this was heard, this project as a whole was heard by the Planning Commission.

Mr. Eide- Chair Miller, excuse me, chair Miller and Commissioners. I did look it up and it looks like that this building did receive a conditional use permit for maximum building height of 85 feet and a variance to increase the maximum floor area ratio from three to four point one, and a variance to reduce the number of required off-street parking spaces from a hundred and thirty-six to a hundred and ten. So it received a conditional use permit with modifications.

Chair Miller- Okay. Thank you David and thank you commissioner Rangel Morales. Any other questions for staff? I don't see any, so I will ask is the applicant here.

Applicant- Good afternoon. This is Mark Basara with the Ackerberg Group. Would you like me to state my address for the record?

Chair Miller-Yes, please.

Mr. Basara- Okay, personal address is 18900 Kingswood Terrace, Minnetonka, Minnesota, professional, addresses 1330 Lagoon Avenue in Minneapolis, Minnesota.

Chair Miller- And is there anything you'd like to add to the staff report?

Mr. Basara- Nothing aside from the fact that we appreciate the consideration. We're excited to join the neighborhood addition and the development to the neighborhood. And hope you all find what we're presenting here to be contextually, appropriate.

Chair Miller- Any questions for the applicant? Any questions from the board members for the applicant? That was pretty thorough I don't see any questions, so mute yourself and stick around in case we need to ask you back.

Mr. Basara- Sure thing.

Chair Miller- All right. Is there anyone here to speak in favor of the variance request? Anyone else from the public in favor of the variance request? Anyone here to speak in opposition to the variance request? Anyone in opposition? Anyone in opposition? Okay, I'm not seeing any. So, I'm going to go ahead and close the public portion of the hearing and quickly recap. We have no comment from District Council and staff recommendation is the for approval with the condition that I think David might either have to read again or will have to get written in. David is that correct? There is a condition, right?

Mr. Eide- Chair Miller and Commissioners, Correct. I will put it in the chat. It's subject to condition that the maximum illumination of the sign shall not exceed one half foot candle above the ambient light level as measured 50 feet from the sign's face.

Chair Miller- Okay. Thank you. Any motion or discussion? Commissioner Trout-Oertel.

Ms. Trout-Oertel- I will move approval of the application based and staff findings 1 through 6 with the condition that the illumination of the signs does not exceed, the condition attached or as read by Mr. Eide.

Chair Miller- Thank you, commissioner Saylor.

Mr. Saylor- I'll second that motion with the condition that David just read.

Chair Miller- Thank you. We've got a motion to approve with a condition. Maxine can we get a roll call.

Ms. Linston- Swift-Yes. Porter-Yes. Clarksen-Yes. Rangel Morales-Yes. Saylor-Yes. Trout-Oertel-Yes. Miller-Yes.

Chair Miller- Your variance request has been approved and that decision is final unless appealed to the city council within 10 days. Good luck with your project. Thank you so much.

**Moved by: Trout-Oertel / Second by: Saylor**

**Approved with condition 7-0**

**2192 Ford Parkway Block (2B) & (2C):** Chair Miller- we have two orders of business applications and speaking with City staff, we're going to have the presentation for both since they're very similar, even though they are different parcels and then we will vote on them separately. But I think it will be presented together.

And here's the quick recap. The applicant is proposing to construct a six-story mixed-use building including a hundred and forty-five residential units, twenty-three thousand, nine hundred square feet of commercial space, surface and structured parking and bicycle parking in a F5 business mixed use zoning district, the Ford site zoning and public realm master plan requires one designated carshare vehicle parking space for buildings with 50 to 200 residential units and two designated carshare vehicle parking spaces for non-residential parking facilities with 50 or more spaces, plus one additional carshare space for 40 parking spaces over 50 spaces. Five carshare spaces are required, 0 carshare spaces are proposed for a variance of five carshare vehicle parking spaces. And the other one is very similar, and I will just let staff have at that. I believe this is Ms. Anderson's.

Ms. Anderson- Chair Miller. It is. Okay, please stop me if for any reason you can't hear me just as this item was coming up on the agenda, I got a battery low indication, which I think I have taken care of. But please raise your hand or stop me in the middle of my presentation if for some reason you can no longer hear me.

I will share my screen. And I do have a presentation. And as you indicated, there are the two variances that are before you this afternoon: both related to 2192 Ford Parkway. One is block 2B the other is block 2C. Both are related to the car share vehicle parking space requirement. That is part of the Highland Bridge, Ford master plan and so, I've combined into a single presentation, these two variance proposals, which then you may take separately for a vote. So, I will share my screen if everyone can see my screen, hopefully. Yes, can you see my screen? Yes, sorry. Okay. Wonderful. Thank you.

So again, this is Tia Anderson. I'm a planner with The Department of Safety Inspections in the Zoning Division and I'm here to present today two variance requests related to Highland Bridge block 2. And so highlighted here in yellow, roughly is what is we're referring to as to be kind of in the north the sort of flagship shaped lot. And then 2C just immediately adjacent to the south both of which are about a one and a half acre parcels. The overall block two includes property just immediately to the west as well as to the south and the block overall has gone through earlier this year, a preliminary plot approval. We do expect a final plot submission here in the next week or two that will subdivide this block to into the four parcels. Two of which are the subject of our variance request today. What we're referring to as 2B and 2C all of the block and both of the parcels in question are zoned F5 business mixed zoning district, which do allow for a variety of both residential and commercial uses. In terms of surrounding conditions, we have to the north across Ford Parkway existing commercial uses. These are in a T2 District. We have mixed-use and senior housing to the east to that are proposed. And, and the Lund's building here, that is under construction. We have the Civic Square proposed in the east corner, and then the Civic Plaza to the South which is also under construction. We have planned mixed-use here on the southern part of block 2 Presbyterian Homes Senior Living, also to the South that is under construction. And then the western portion of block 2 is proposed as mixed-use. Access points to this block...it is accessed via a private drive off of Cretin Avenue that will cut across as well as Hillcrest public right of way. That is accessed from the southwest corner of the site. The developments that we are discussing today on blocks 2B and 2C. I've got some renderings here. These again are Cretin Avenue between Ford Parkway on the north and Hillcrest Avenue on the south. This is an aerial view of three buildings that are part of these two parcels. The corner top right corner here, this rendering is a view from Ford Parkway. Up into the east then from Ford Parkway and Cretin Avenue looking kind of Southwestern the site across the Civic Square down in the bottom right hand corner rendering. This is Cretin Avenue looking at the 2C building kind of

looking north towards Ford Parkway and West down the private drive. And then this last rendering in the bottom left-hand corner, this is the view from Hillcrest Avenue facing East, and then you've got what would be the Civic Plaza kind of to the, to the right in the foreground there to the South. So kind of a quick tour of the of the two blocks or the two, parcels within this block. In terms of the site plan, and you can see the red dashed line, this kind of indicates where the parcel lines will be drawn. So again, 2B on the North side and then 2C on the south. 2B is a planned six-story mixed-use building. It'll be a hundred forty-five residential units up above, roughly 24,000 square feet of commercial space on the ground floor. There are 17 surface parking spaces that are being proposed and then below grade, the commercial parking area shown in pinkish color here about a hundred and thirty-seven commercial parking spaces. And then the residential parking is in this kind of more tan yellow color. That is also on the first level of parking some stalls and then a second level of below grade parking also to serve the residential on block 2B on 2C. So this half this is two six-story mixed-use buildings that share the same will share the same parcel. There will be proposed 78 residential units used to be condo units up above and again about 24,000 square feet of commercial space. There would be six surface parking stalls. And this would be along the private drive area that's on the southern half of the lot and then a hundred and twenty-seven residential parking spaces below grade—that is referenced here in blue. This is a kind of a complex lot split where we do have below-grade parking structures that are accessed all together for the two parcels, but they are subdivided. So that what's shown here in blue is for block 2C and the portion that's on the North and the pink, and the yellow is for the back 2B. So a little bit confusing there and happy to take any questions. When we get to the end of the presentation if people have questions about how this block is kind of subdivided this way. In terms of the variance requests, so it's a very similar variance request for both block 2B, as well as 2C based on the number of residential units and the amount of commercial parking that is being proposed. Block 2B requires five carshare spaces for the master plan and block 2C requires one carshare space per the master plan. Carshare spaces are proposed on either of parcels. And this is similar to some variances that we've seen within the Highland Bridge area in the past, requesting the same variance to the master plan. I will just kind of give a sort of update to where, where things are headed overall with HOURCAR. Ryan Companies is the master developer, and HOURCAR are continuing to work on implementation of centralized carshare hubs within the overall Highland Bridge site and the city as well as Xcel Energy are part of those conversations, the proposed carshare hubs that would be centralized within the site would be located within the city's public right-of-way. And these would be electric vehicle carshare hubs for HOURCAR and so that's Xcel Energy's part in the development as well. And latest information that I have is that the implementation is expected to start in 2022, still working through the funding of that implementation. And when the hubs are implemented, then the Ryan Companies as the master developer would be proposing a change to the master plan. So, an amendment to the master plan to update this requirement to move from having individual carshare requirements on individual private development spaces to our implementation of centralized public right away, located carshare until such time as the master plan is amended. However, I will continue to bring any necessary variances to this board. So in terms of the findings, I'll just go through this quickly here.

Chair Miller- So sorry. It looks like commissioner Rangel Morales might have a question on that point.

Mr. Rangel Morales- Hey, Tia, could you comment on how... So, I've seen these carshare/HOURCAR quote-unquote hubs before. And sometimes it's just, as little as one vehicle. What comes to mind is the car that was parked on Grand Avenue by Macalester with part of the Macalester campus. And something that I'm seeing here is, you know, the other applications that have come. Have been two or three cars. This one respectively each it's five cars and I'm starting. I'm starting to sound a little dubious. I'm starting to think it's a little dubious that these hubs are going to include what was foreseen in the master plan, in the number of shared cars that will be available on the site. And so I'm wondering, can you, do you not have any specifics as to how many cars in the current negotiations will be available? It's just starting to seem that, you know, they might end up meeting the obligation of having an HOURCAR, you know, two or three of them through scattered throughout the Ford Site plan, but each particular site, as we're seeing had to incorporate four or five cars. That's a very different accessibility to these vehicles.

Ms. Anderson- Chair Miller and Commissioner Rangel Morales. I have not been part of the detailed planning conversations for the carshare implementation. What I am aware of is that the first location for carshare is proposed on Cretin Avenue, which would be I believe across the street from the proposed development. I think it would be on the

east side of Cretin Avenue. I cannot speak to how many spaces within the public right of way are being designated for carshare. But what I can speak to is my understanding that HOURCAR's business model is not for one-off, private development site locations, but to partner with municipalities to provide carshare in a centralized public hub.

Mr. Rangel Morales- I understand that Ms. Anderson, my concern through all this is there was an agreement between the city and Ryan Companies about what Ryan Companies was going to provide. And I understand that HOURCAR or other utility or other gig cars or anything like that perhaps it don't fit that framework, but is that like our responsibility to correct? If it's Ryan's company obligation to meet? And, and I'm also having like, now that I'm seeing how many vehicles are being taken off the shared car model. I'm starting to think. Well, why doesn't Ryan Companies if all it is, is labeling a parking spot as a shared car why are we having these variances come before us? Now, before this agreement has been reached. So, that we as Commissioners or board members, know exactly what it is that we're giving up and what I mean by that is if all it's going to take is relabeling a parking spot from a shared spot vehicle to open parking spot that that doesn't seem like all that big of an inconvenience.

Ms. Anderson- Chair Miller. Commissioner Rangel Morales. I don't believe that we've had conversations about an option of let's say taking five parking stalls within the building and labeling them as carshare without having a carshare vehicle.

Mr. Rangel Morales- I understand that. But I'm saying, if we wait until this agreement is finalized so that we as board members were asked to make this decision, understand what the trade-off is. We can make a decision about it more, I guess more informed, because right now they could put one or two cars across the street, but that is very different than the five cars per unit per building that they're required to have now. And so if all, if the all it is they can still build, whatever it is that they want to build at the moment. There's nothing preventing them from. It is just whether or not five particular stalls on each site need to be labeled shared parking stall vehicles or not. And you know, I don't know it seems, we're making a decision on something that were being told is coming down the road. But that might be completely different than what the intent was behind the master plan and requiring the shared car vehicles.

Ms. Anderson- Sure. Miller commissioner Reagan Morales. Is that a question or a statement? I'm sorry. I wasn't sure if you're looking for me to respond to something.

Mr. Rangel Morales- So my question just is: would it be possible for Ryan Companies or whoever is building this project is to build they're going to build the parking spots either way. It's just who's allowed to use the parking spot and if this parking shared agreement is coming in as soon as 2022, I mean the site is not even going to be developed by then, so they can build their site. They can build their parking. And then once we have what the city has agreed to do with regards to this issue, then we can decide whether or not it should be part of the master plan removal or not. That's supposed to each individual parcel one at a time. And so my question is what is what would be preventing them from just building what they're building and just labeling with shared parking spots until this full agreement has been reached?

Ms. Anderson- Chair Miller, commissioner Rangel Morales. I guess we have not entertained the idea of simply putting a label on parking stalls. Just like we would label compact parking stalls, for example, right? So we label compact parking stalls. This a compact vehicle only. We've not entertained the idea of labeling vehicle stalls for carshare vehicle only without the commitment for a carshare vehicle provider to actually provide vehicles in those stalls. What's prohibited, you know, that may be an option just to put up signs that will never be parked on without a carshare vehicle provider. But at this point unless directed otherwise, I could not be approving a site plan that does not meet our zoning ordinance and the master plan, by extension of our zoning ordinance.

Mr. Rangel Morales- All right, so that, I guess that answers my question. My question is, are you, would you be able with the city be able to approve a site plan that incorporates the shared parking whether it's shared parking? Or other parking for other community, for residents of these facilities. If all it is a difference of. I mean, it's not like they're going to be EV vehicles. I mean electric vehicle stations that have, you know, those plugins in front of them. It's just going to be what the label of the parking spot is and if we know that a plan is coming as early as 2022 so there's no way that the city could approve the site plan. Otherwise, without this approval.

Ms. Anderson- Chair Miller. Commissioner Rangel Morales. The site plan to be approved needs to meet the zoning ordinance. And by extension, the master plan requirements. If we want to entertain putting signs up as a means of stating that it is a shared parking space, even though we don't have a shared parking vendor, who will know, provide vehicles for those spaces.

Mr. Rangel Morales- That may be an alternative, but it's one I would point out its the city's obligation to make sure that Ryan Companies or whoever is developing the site meets a contractual obligation of what they're required to do. So if they say they're going to they're going to build the parking, it's very different than saying they're not going to build the parking altogether. But if they're saying they're going to build the parking, they're contractually required and by City also tipped to put these five spots there. Now, I understand that there's a development agreement that might change all that and it very well may be that they don't need to use all five spots or any spots at all in the future for that. But we don't know. We don't know how many vehicles we are trading off today/versus what's in that agreement. And that's kind of what I have a concern about. Because you got 10 Vehicles here, you know, seven other vehicles that have been before us or close to that and I just find it really hard to envision that there's going to be 17 HOURCAR's at a minimum with scattered throughout this site in public spaces available for all of these community members that are going to be moving here.

Ms. Anderson- So chair Miller, shall I proceed with my presentation? Or how would you like to proceed? Yeah, I guess that would make sense. Maybe the applicant might have better answers.

Chair Miller- I don't see anyone from Ryan Companies on today.

Ms. Anderson- I do believe Joseph Peris is on.

Chair Miller- I see. Oh, okay Ryan Companies. Yep. I'm so used to looking for Maureen Michalski. Yep, she may as well, but we'll address some of those things because I do have a couple of follow-up questions on that, but I think it would be best for you to finish the presentation. We can ask those questions towards the end.

Ms. Anderson- Sounds great. So in terms of the findings, and again, the findings are in the staff report, identical, Ford blocks 2B and blocks 2C in terms of general purpose and intent of the zoning code, the development shall comply with all the other parking standards particularly meeting the minimum number of bicycle parking and EV-ready stalls. The block 2 development does provide for multimodal transportation connections with a BRT route just on Ford Parkway and overall the variance request to not provide carshare space is consistent with the purpose and intent of the zoning code to promote and protect public health, safety, morals, aesthetics and economic vitality and general welfare of the community. The variance is consistent with the comp plan. In terms of land use and zoning flexibility to respond to social, economic, technological, market, and environmental changes and conditions and opportunities. In terms of practical difficulties and unique circumstances, HOURCAR is the only active carshare operator in the city and their business model is for larger public carshare hubs rather than carshare spaces on private property. And so I know, to commissioner Rangel Morales' point. I think, historically, there has been by Macalester College on their on their campus, private property, an HOURCAR spot. That is my understanding not HOURCAR's model going forward but rather having these public carshare hubs within the right-of-way. And so not having a carshare provider does create, that will provide carshare spaces on private property, that creates a practical difficulty in complying with the master plan as well. You know, HOURCAR's business model is different from what was envisioned at the master plan timing when it was implemented. And that is unique that the model has changed. And that unique circumstance, you know is something that is not created by the landowner. And again, it's practically impractical to comply with the master plan. As I mentioned, Ryan Companies as the master developer is actively pursuing implementation of carshare hubs that would be within the broader Highland Bridge site. And those would be electric vehicle carshare spaces. So there is infrastructure beyond just signage and that infrastructure would be within the public right-of-way. And it's in combination a partnership between the city, Xcel Energy, HOURCAR, and Ryan Companies. And the first likely location would be on the east side of Cretin Avenue next to this development. In terms of overall zoning, the property is zoned F5 business mixed-use mixed zoning. It does not change the zoning classification and the variance does not alter the essential character of the surrounding neighborhood. Staff is recommending approval of the requested variance for

Highland Bridge, block 2B and for Highland Bridge block 2C that would allow for each of those developments mixed-use developments 0 carshare vehicle parking spaces. Additional questions?=-

## **Correspondence**

I'll also just add Highland District Council did send letters of support for both of the variances for both blocks 2B and in block 2C. No additional letters of support or opposition were received.

Chair Miller- Thank you, Ms. Anderson. I have one quick question. Is all of this is this exclusive to HOURCAR or if there were several competing businesses out there several competing vendors? Is it just generically a car share space? Is that how the master plan had envisioned it?

Ms. Anderson- Chair Miller, the master plan does not specify a particular carshare provider. I think that was, you know, to be determined in terms of who might be implementing these requirements for residential and non-residential carshare spaces. HOURCAR is the only provider that operates in St. Paul. So if there were a competitor, you know, the conversation may be different. But we're in a situation where there's one vendor who provides this service in St. Paul and their business model is different than what was envisioned in the master plan.

Chair Miller- Sure, and I guess my comment you don't even have to this isn't a question, but I guess my comment would be that. It seems to me like since HOURCAR is the only one in this is not their business model. They are removing somebody else's business model, potential business model, and making an exclusive to their hubs outside. And I don't know the implications of all of that. It just, it doesn't sit exactly well, you know, for me but that was my comment.

Chair Miller- Do we have any other questions for staff before we move on to the applicant? Commissioner Rangel Morales has his hand up.

Mr. Rangel Morales- What is the language and the master plan specific that it has to be an outside vendor. I mean, what's preventing each individual developer from offering a shared vehicle on their own?

Ms. Anderson- Chair Miller and commissioner Rangel Morales while we talk here. I will pull up the master plan to double-check that language, let me get back to you on that one. If I may.

Mr. Rangel Morales- And my thought process on that is a lot of these new apartment developments are considered to be all inclusive or markets and sells to be all-inclusive whether they included a gym, putting lounging space on a terrace on the top. Whatever it is. It doesn't mean it. What about having five vehicles that are owned by the establishment hour use? The shared vehicles are out of the question for them?

Ms. Anderson- Chair Miller, commissioner Rangel Morales. I think that's a good question. Probably, for Ryan Companies is the master developer. I am output in the chat language related to your earlier question, about sort of how it was envisioned to be implemented. There's just a kind of one comment in the master plan that speaks to the idea that there is a carshare operator as opposed to individual apartment residential mixed-use buildings providing their own. You know, unique carshare spaces. The comment is kind of a footnote that states a future amendment may be submitted before April 10th, 2029. Not sure the magic of that date. If no carshare operator is secured on the or the space is not used for other shared modes, such as bicycles or scooters. So I the fact that it speaks to a carshare operator as opposed to a private developer providing their own carshare space. That's the only mention of there being a sense of that. There be an operator of that service.

Mr. Rangel Morales- What about this additional language of it being used, that space being used for alternative modes and with the new parking? A maximum/minimums that was passed. Is there any discussion of converting those spaces into that type of use?

Ms. Anderson- No, the master plan is silent on that.

Mr. Rangel Morales- No, I'm talking about in this, like, in this instance, taking that area and using it for, or any of the, you know... Tony in planning. I forgot what he calls it, but alternative planning parking up. I forget the term for it, but, you know, that entire... Rewards that are given to developers for including these. You know, alternative means of parking.

Ms. Anderson- Chair Miller and commissioner Rangel Morales. I have a feeling you're referring to the points that are allotted for any travel demand management plan for development. I would have to look at the plan guidelines, which I can also try to pull up here during the course of this afternoon's discussion. I believe carshare is not part of those plan guidelines. I think, again, recognizing that was not an operator who provides that to individual private development sites in the city.

Mr. Rangel Morales- But I'm okay. I'll let others speak. I'm just referring to it. We're moving away from the shared agreement without knowing what the agreement is going to be in 2022. I would feel more comfortable if they had utilized space to provide alternative methods that dissuade people from driving and encourage them to take alternative modes of transportation.

Ms. Anderson- Chair Miller and commissioner Rangel Morales. There are, I have not received the official site plan application for this development, yet in. So I don't have the exact numbers, but in the preliminary site plan conversations we've had, there are certainly bicycle parking spaces provided as well as electric vehicle ready spaces provided which are requirements of the zoning code in master plan and the developments intent is to meet those requirements. Which would be part of an overall transportation demand management plan.

Chair Miller- Okay. Thank you, Miss Anderson. I don't see any more hands up. I think now would be a good time to move on to the applicant. Is the applicant present?

Applicant- Hi everyone. I am the applicant. Thank you, Tia, and thank you Commissioners. My name is Joseph Peris, director development with Ryan Companies, address is 533 South Third Street, Minneapolis, Minnesota. I also am joined by Anthony Adams, who's a civil engineer on the project and I believe Maureen is also on the line as well. So, you know, we submitted our public testimony last week so I won't go through that, but I would just stress kind of in this situation the practical difficulty is that there's no company to actually provide the carshare stalls that would go within these buildings and structures. The master plan contemplated HOURCAR or an outside vendor to provide the shared cars. And the market, frankly, has changed since the master plan was created. And right now it's not a very profitable business model which is why the only car share company is HOURCAR, which is a not-for-profit and we're working with them to try to create a viable program that works with the master plan and with Highland Bridge. And so we're really referring to the experts which is HOURCAR, to try to effectively manage a successful carsharing program within Highland Bridge, which is the intent of the Highland Bridge master plan. So, the plan was written to allow for master plan amendments, for variances if no operator was in place, which is why we're here requesting the variance because there's no operating operator in place to use stalls, which is the practical difficulty. With that I'll be here to answer any questions.

Mr. Rangel Morales- Could you comment on what outreach has been done by Ryan Companies, to other companies that may not do business in St. Paul but that may do business in other states and what those conversations have sounded like?

Mr. Peris- I personally have not been a part of those conversations so I defer to Anthony or Maureen. If you can comment on that, but my understanding and we've talked on other projects with various carshare groups that had been in business prior to the last five years and have since gone out of business. So ZipCar is one who has been in our market prior, and who is essentially receding from our market. But Maureen, Anthony anyone that can shed light on that?

Ms. Michalski- This is Maureen. Can you hear.

Chair Miller- Yes, when we can. Why don't forget to say your full name and address just for the record.

Ms. Michalski- OK, Maureen Michalski with Ryan Companies. The address is 533 South 3rd Street in Minneapolis that Joe mentioned. So, just to maybe talk about some of the outreach we've done. We initially really engage deeply with HOURCAR because they are the most prolific provider in the market and when we first engaged with them, they were

transitioning away from the out and back model. And so, it was really engaging deeply with HOURCAR to figure out because they are the experts in our market and they are located in our market. How can we work with them? Because, as we've seen with Car2Go and other providers in the market, they receded from the market. As Joe as mentioned, we wanted to work with a trusted provider in our market and we've been having those conversations with HOURCAR and the City of St. Paul to figure out how we can get Highland Bridge to be part of this network that is launching in the Twin Cities. So, we've really focused our efforts with the city and HOURCAR to figure out the most viable project because we do think car sharing is important. We want to advance that at Highland Bridge. And because the market has changed since the master plan, we wanted to come up the most viable solution. So that's why we're advancing those conversations with HOURCAR, and the city.

Mr. Rangel Morales- But what, what conversations have been or what outreach has been done to try to bring a vendor that perhaps is not in St. Paul, but that is using the shared car model. Other parts of the country?

Ms. Michalski- Again, because they don't operate in St. Paul, there is not much of a draw, even with HOURCAR in discussions about adding Highland Bridge to a network. Even they were having a struggle with how do we get the network into parts of the cities that they were not originally contemplating. So, again, we are, we are interested in providing a viable option through working with providers that are in our markets to create the best outcome for the project.

Chair Miller- Commissioner Trout-Oertel

Ms. Trout-Oertel- I just don't understand, regardless of who the provider will be. Why can't space be allocated, spread out over the site for share a car because eventually, it will be needed. And also we need to know how far people would have to walk to get to it. Correct, or is that not how things work?

Ms. Michalski- Sorry, do you want to take that Murray? Sure, I guess I'm commissioner. I'm not quite sure. I'm following the question. So we have a specific requirement in the master plan to provide carsharing within buildings. And because we are not able to do that with the current HOURCAR network. They're moving to a hub model within the rights of way. That is why we are seeking a variance. And so the plan is to advance the hub model when their network comes online, which allows for hubs of vehicles in the right of way to connect with the larger sharing network. So we've identified a location on Cretin Avenue and on Mount Curve Avenue within the development, following HOURCARs expertise about how many cars would be viable and the timing for coming online, for those carshare spaces because we want to have successful carshare so that we can expand that program.

Mr. Rangel Morales- What are those discussions on? What is a viable number of vehicles to have there in front of Cretin?

Ms. Michalski- So, HOURCAR is recommending. So for each Hub there are two cars and actually three cars, two active, and then a third for rebalancing because much like any other sharing system, the car may go, it's a network. So it goes someplace else and then you need to refill it. So for example, what they recommended were six total vehicles, three essentially in the hubs for the hub for Cretin and 3 in the hub on Mount Curve. And that would be a suitable number of vehicles for the Highland Bridge development. So, on the entire site, 6 shared cars. And, and how many?

Mr. Rangel Morales- Okay. Well, I mean, I appreciate the putting a number on it. It certainly gives us a better perspective of how many vehicles we are trading off essentially, and that's another discussion, I guess for other board members, but I appreciate that that information.

Chair Miller- Any other questions for the applicants?

Mr. Peris- If I could respond. I think it's a little bit of a false binary to say that it's either or and you're trading off vehicles and think you know, the reality is that we would provide stalls that just would be empty and not having a user and so it's in everybody's best interest to have a successful carshare program. And that's what we're trying to provide. And that's why we're partnering with HOURCAR and so I wouldn't assume that if we provided carshare stalls, that there would be carshare vehicles. And I think that's what we've been finding through due diligence with the market is that there's just

there's no vehicles that would be there to comply with those stalls. And so we would likely be right back here in a matter of years, requesting for the same variance so, I would just state that.

Chair Miller- Any other comments by the applicants or any other questions for the applicants from the board members? Okay, stick around just in case there's any reason to call you back after I asked for those in favor of and those opposed, but you can go ahead and mute yourself and stick around.

Any members of the public here to speak in favor of this application? Anyone in favor of the variance request? Anyone here to speak in opposition to the variance request? Anyone here in opposition? Okay, seeing none, I'll go ahead and close the public portion of the hearing and ask if anybody would like to start a discussion or potentially specifically a motion. I know, I do have a couple of questions, but if anybody would like to start a discussion or raise a motion.

Chair Miller- Okay, I'll ask my questions first before we get to a motion or other questions, I guess a couple of the things. I think we're all getting at: potentially could those stalls be designated if a vendor like underlined, if the vendors in place and if there is no vendor in place and they could use them for something else? I'm not sure how that's written into the master plan. And then also a potential scenario that had this project happened 10 years ago and all of these spaces were designated for carshare vendors, what would happen if that vendor disappears or let's say these hubs disappear or we're all riding electric bicycles in 20 years. Then what? What happens then to the variance or what happens to those parking stalls? What would have happened to those parking stalls? Had a vendor disappeared, would they have that needed to apply for a variance? Those are just kind of some of my thoughts and questions around this issue. And in terms of, I think, commissioner Rangel Morales has concerns. I agree. It seems, like, if we could get a count of how many carshare spaces there were supposed to be throughout this entire development, and we've got six on this application and I'm sure we've granted variances for at least six so far. So total count might be an interesting information and then I don't know if we could have a discussion about conditions. What's possible for these variance requests? Because it seems like there's, there's definitely concerns. So those are just kind of some of my thoughts and questions for discussion.

Ms. Anderson- Chair Miller, this is Tia Anderson. If some of those were directed to me, I'm presuming.

Chair Miller- And that's specifically to you. Just not specifically, but it certainly, if you have any, if you have any answers to any of that rambling that I guess would be helpful. Thanks.

Ms. Anderson- Yep. I think one of the questions I heard you asking was more sort of a hypothetical of, if carshare spaces were provided or, you know, if this had happened, where there was a provider that is discontinued. Had a business model for private site carshare spaces, right? So we did what we were supposed to do and then that carshare provider went away. And so now we have a nonconformity, then I would be working with City attorney and our zoning administrator to determine if that just becomes an existing nonconformity, right? If it the space is essentially got abandoned, right? Or if a variance would have been, would then be required in the future. But as a very hypothetical kind of question since we don't have a vendor that is providing those spaces. In terms of total count. Just kind of some back of the envelope math, I did variances that have been approved for carshare vehicle parking either by this body, or by the City Council. So I believe on the Block 3 which is the Lund's mixed-use development, just to the east, I believe they received a variance for eight carshare vehicle parking spaces. I believe block 1 which came before this body earlier this year. That's the medical office building and the Project for Pride in Living affordable housing development. I believe they between the developments on that block received another kind of eight or nine spaces variance. Variances for eight or nine carshare vehicle parking spaces. And then I would have to look to see if Presbyterian Homes received any or not, my gut tells me that they did, would have received for the residential Senior Living building in particular, maybe not for the congregate living building, but the senior living, they probably would have received one or two as well. So in total, there's probably about 20 spaces on the site of carshare vehicle parking variances that have already been approved by this body or by the city council. And this is for another six between the two development parcels. I don't know that answers all of your ruminating or some of it.

Chair Miller- That definitely helps and I'm presuming that, there will be more buildings further along in the development that are also required to have this and will be a variance from it. So hypothetically, we could add another quite a few as well.

Ms. Anderson- So chair Miller in my presentation one of the things I said was that until such time as the master plan is amended I would expect that I will be bringing these variances forward to this body. However, I do expect, you know, that what I have heard from leadership who have been part of the carshare discussions from the city side that with the plan moving forward to implement carshare within the public right-of-way. When that implementation goes forward next year, that at the same time we would be expecting a minor text amendment to be coming forward for the master plan as well. And so that text amendment to the master plan, my presumption is that it would seek to remove The requirement for private site carshare spaces, and make it a public right-of-way carshare requirement. And so my hope would be that any change to the master plan would eliminate the need for my continuing to have to bring cases forward to this group. If the master plan were to be amended with the implementation of public car share hubs in the right-of-way.

Commissioner Rangel Morales- Thanks. So I want the person who's spoken in favor indicating that, you know, that the spaces would just, the person spoke in favor kind of indicating of it would just be a waste of space to just have the spots there. And this is kind of the issue that we run into a lot at least in the Planning Commission or we're told a lot by staff is there's just not the there's not the ridership there. In this particular case there's not the users there who would want to use this type of service? And of course, then the counter to that is always like well, we don't necessarily provide the avenues for these type of uses to become prevalent and dependable. And so what I mean by that is, you know, we the provision of the Highland Bridge, the former Ford Site was that it was future looking and sort of community for the for, you know, the 21st century and so far all we've seen, you know, not just with this issue particularly is, you know, we just sort of rely on parking as if that's that amount of car usage will be the future and when we adopted the master plan and the commission and hopefully when the city council did and what part of the thought process was sort of this alternative usage of transportation that was going to be implemented throughout and so I'm going to take issue with Ms. Anderson just saying that it's a minor change because I think it's an incredibly large change to switch from, you know, already we were going. If the applicant is telling us that HOURCAR is saying that they were going to. They think that you know, four cars is going to be enough for the entire site, having four cars for the 3500 people that are intended to move into this community is very different than having a hundred or a hundred and fifty cars of shared vehicles. The only reason that I care about this issue so much is because when I travel, this is my main way of depending on getting around the cities that I travel is. The first thing that I do is I look to see if there's either a shared vehicle or you know, what type of biking rentals they offer in the city, and my guess is other people have that same belief and you know that we don't encourage it, we're discouraging it. And so it's a very dear to me. It's a very different. It's a different two, completely different view of what was intended in terms of transportation at the Ford site because I sort of envisioned that there would be a lot of shared vehicles. And perhaps, if there's that many shared vehicles, maybe we don't need as much parking in general because people can just depend on those to do their weekly errands or whatnot. But yeah, this is really It's heartening to hear that six or four vehicles are proposed for the entire site.

Mr. Warner- Well, a couple of things I think you have to recognize that that staff has a burden here that you have a master plan that says you have to provide for shared parking when a when a site plan comes in. So all staff is doing is responding to a request from a developer who's asking for a variance, which they're entitled to do. That says, basically there's nobody providing shared parking. So, we're asking for a variance. I mean that's all staff can do and that's all they're responding to. So, I hope nobody's laying the blame, if you will, of the master plan's vision here, at the feet of staff. They're just doing their job, right?

Mr. Rangel Morales- I don't want my comments to be taken as being against staff, but I just don't see why staff feels it's sort of appears to me that staff seems to be putting this on themselves when I feel like it should be Ryan Companies, doing their best, to try to answer these questions. And, and in reality, the one question that I really pulled with what due diligence has been made to try to actually meet this obligation. And the answer is well, we sort of reached out to

HOURCAR and HOURCAR alone. And I apologize. I don't mean Tia, to be against you or anybody against staff. I just did. This is an Important issue to me. And I feel really, really passionately about it.

Mr. Warner- And I appreciate that. And so I'd like to respond perhaps with a condition you'll have to decide whether or not the applicant has met its burden of hardship here. That's A), that's a reasonableness question that as Commissioners, you'll have to decide. But given what appears to be the case that there is no provider and there is a requirement in the master plan that there be a provider. One of the things that during the course of the conversation I was thinking about is that you have a staff recommendation to approve and in keeping with the theme, from commissioner Rangel Morales is well. We really don't know what's going to happen in the future. Maybe they'll secure a vendor, but I would suggest something along the lines of perhaps you can follow the staff recommendation for approval but attach a condition to it and the condition would be, that would be subject to the condition that an equivalent number of shared parking spaces are provided on public right-of-way within X distance of the principal entrance to the buildings and within two years or something like that. Since apparently, they're in conversations with the city. And vendors, and I can't provide you with any sort of an X distance, but I think some commissioner comment might have been commissioner Trout-Oertel said well how far people willing to walk to get to these things. That might be one way to move the overall construction proposal forward at the same time, keeping in place the notion that If these spaces aren't provided in the public and the public right away, within a two-year period or whatever period of time, you find reasonable that they are going to have to, in fact, label them and shared parking spaces. Just like it's called for under the agreement. I'm sorry under the master plan. Now. I'll toss that out for you folks to muse over.

Chair Miller- Thank you Peter. I see Ms. Anderson's hand gone up.

Ms. Anderson- Yes, chair Miller. First of all, commissioner Rangel Morales, no offense taken. And yeah, to Mr. Warner's proposed condition much of it seems reasonable to me as staff. I think the one exception I may take is to the number provided within the right-of-way. I think our Public Works colleagues would want to be part of any agreement to that, right? So, it is no small feat to negotiate and work between various City departments, HOURCAR, Ryan Companies, Xcel Energy to provide these carshare hubs and part of that negotiation is working with Public Works to designate what essentially is certainly a public benefit within the right-of-way but designating vehicle spaces for a very specific use within the public right-of-way. And I wouldn't want to speak for our or hamstring, our Public Works colleagues. Requiring them to be burdened with approving a certain number of spaces designated to carshare vehicle spaces without their buy-in, if you will.

Commissioner Trout-Oertel- Well, I'm wondering if we need a study to determine how the need can be met. And certainly, I think there should be some location of these areas so that there's an indication as to how far away they are. From the various residential multi-family residential buildings that will use them. And so I'm it's I think we're all in the same boat. It's so hard to vote on this variance because there isn't enough information. There's nothing to base approval on. Do we have the time? Do we have the luxury of requiring a report of some kind, for how this is going to be provided? Because that's really a separate question from this. Who the provider will be?

Mr. Warner- Thanks chair. I'm going to go out on a limb and say that there's not going to be enough time for staff and either DSI or PED to come up with some type of an analysis and a report within the confines of the 60-day rule. I think it makes great sense to have a report, but I just don't see it as a possibility that staff can do that and in the limited amount of time we have to work with.

Ms. Trout-Oertel- Yeah, what about requiring a proposal from the developer Ryan, I mean it has to be part of the planning of the overall development. We should be able to see something concrete. Here is two locations and a number of parking places. I mean, it's really not that different from handicapped parking places. They are designated parking places and since they're not being provided separately for the buildings, then they have to be provided on the site plan, in my opinion.

Chair Miller- Thank you, Diane. Mr. Warner.

Mr. Warner- Thank you, chair. Commissioner Trout-Oertel. I agree. It would be beneficial to have the master developer give us a better sense of what's out there. At the same time, there is a requirement of the master plan that they provide shared parking spaces and moving forward with the development project having that held up because we don't know about five spaces or one space, in a particular development, depending on its size. There's a certain amount of analysis that has to go into that. But at the same time, the master plan does call for them to provide these spaces and that goes to commissioner Rangel Morales' point of view. So it seems to me that if we want to see development move forward, if you there is a recommendation to grant this variance. I'm you know, really a couple of Commissioners have some hesitancy with that and that's more than reasonable under the circumstances. If you fashion some sort of condition that in essence preserves, if you will, the obligation for the developer to at some point in time, provide those number of spaces called for presently under the master plan, or a deduction in the number of spaces called front of the master plan. If, if there are spaces provided in the public right of way that offset those, that might move the whole ball forward because I think behind the scenes, there are conversations going on between the developer, the city, providers on, just exactly how to how to do this and I think you can craft some language that can do that. I guess is that is language that might not be satisfactory to everyone, but I think it keeps the bigger goal in mind which is to develop the Ford site into this sort of 21st century you know, futuristic way that we want to live in an urban environment. So, again, I'll, I'll toss it back to you folks to muse over.

Chair Miller- Thank you, Mr. Warner. I know Ms. Anderson brought up the point that the master plan could potentially be amended at some point. If we were to condition something in the way that there's an equivalent amount spaces in the right-of-way unless specifically addressed in the amendment to the master plan or would that be adding too many layers of conditions?

Mr. Warner- Chair if it was up to me. I would say not necessarily too many layers, you know, perhaps with the public hearing closed. Maybe it's worthwhile to lay it over to our next meeting and staff can talk to the developer and see if there's something between what's required now and the and I don't mean this in the pejorative an all or Nothing approach and granting the variance is requested. Maybe there's some way to preserve. Preserve, the ideas of the master plan of having shared parking recognizing, you know, commissioner, Rangel Morales is concerned that we are just slowly giving, you know, giving up on this concept. Maybe if staff has a chance to talk to the applicant, maybe there's some middle ground that can be reached and we can report back in two weeks. Here's a, here's an alternative. If that has any traction, but I'll throw that out for you.

Chair Miller- Okay? Potential to lay this over. Ms. Anderson.

Ms. Anderson- Yes, thank you chair Miller. I don't know that the public hearing is closed yet. It started just point of order. I know that we had the applicant speak and then they opened the QA and it kind of turned into dialogue. I don't know that there was.

Chair Miller- I did that.

Ms. Anderson- Okay, I'm sorry.

Chair Miller- We're not against them, I did close it.

Ms. Anderson- Okay. Sorry. Just wanted to make sure that I heard that. Yeah, and certainly, I mean if we laid it over I could talk with more with the applicant as well as city leadership who have been working more closely on the HOURCAR implementation discussions to present something back. You know, if there are some conditions that could be, then added relative to modifications of the master plan most likely.

Chair Miller- Commissioner Rangel Morales.

Mr. Rangel Morales- So, I'll just say these final thoughts on it because I think Mr. Warner phrased my concern for me, in a way that I was struggling to frame it. And it is sort of this concern that we are slowly chipping away at a particular vision of the master plan. And my concern really is around the 10 years behind, what went into the development of the master plan and all the input that was provided and then single-handedly, we are sort of really, you know, at a

piecemeal approach taking away one of those components. And it very well may be that after a study is done on it this provision should be removed and a no shared parking is required in the entirety of the Ford site, Highland Bridge, but that would be a process that would allow for community input as a whole and allow for a public hearing and allow for individuals to talk about it and the commission to talk about it, city council to talk about it. But the way that we have been handling it so far, you know, its each individual project. We analyze it by itself and individually, you know, two parking spots here, three parking spots there, don't make a difference but as Ms. Anderson just kind of tabulated for us. We're up to 20 spots already possibly 26. If these two projects are approved. And so that starts adding up and I just think you know, the city reacted really quickly to; there was another issue with regards to what open space meant in the master plan and the city passed an amendment to what the meaning of the open plan was within months. So, if this is going to be an issue, I just think that it deserves its public hearing, and it deserves to be heard on. Or not.

Chair Miller- Thank you for those comments. Luis, any interest in making a motion?

Mr. Rangel Morales- I guess in the interest of perhaps, getting more information. I will make a motion to delay both of these items for two weeks to see if we can get additional information or about what we can anticipate or what an appropriate condition sort of a middle ground approach to this will be. I can't say, well, I'll just leave the motion at that.

Mr. Saylor- I think, given the discussion we've had, which has been a very interesting discussion to follow here, I'm going to second Luis motion to lay this over.

Chair Miller- Thank you. We've got a motion to lay over by Rangel Morales and a second by Saylor. Maxine, can we get a roll call?

Ms. Linston- Roll call to lay over 2 weeks: Trout-Oertel-Yes. Swift-Yes. Porter-Yes. Saylor-Yes. Rangel Morales-Yes. Miller-Yes.

Chair Miller- and just to clarify, that was to lay both of the cases over two weeks. Excellent.

**Moved by: Rangel Morales/ Second By: Saylor**

**Both Cases Laid Over 2 weeks**

## **NOTES**

Chair Miller- Okay, I think that was our last order of business. I was asked by staff to bring up to the Commissioners, the schedule for next year. We've got holidays landing on Mondays. Again. I had a note here, sorry, and how we want to handle that? We don't have to come to a decision today. I think I'd like a Commissioners to think about that. We do have Presidents Day Memorial Day, Fourth of July, Labor Day and the Monday after Christmas, which might be a City observed holiday, how we want to handle those? I know, in some cases, we push them to Tuesday and in some cases we've laid over or just not done those. I think the last conversation we had was to not load up, you know, multiple weeks of cases on a Monday. Any thoughts by the Commissioners immediately on that? Or that's something we can certainly go over.

Commissioner Trout-Oertel. Well, formally we moved the Monday meeting to Wednesday, which is better than Tuesday, because Tuesday is often the day after the holiday, but that's just one suggestion. That should be on the table to move it a couple of days later to Wednesday.

Chair Miller- Okay. One thing I remember coming up, and I think it's half of my time on this board has been during COVID, it seems like. But I know there was, potentially, if we're going to be meeting in person again during next year. Theoretically, was that room being used for anything else. I know that Wednesday think sounds familiar, but there might have been more reasons for that to Peter do you remember? You know, here?

Mr. Warner- I don't think so. The only thing I can think of is maybe because Wednesdays are Council days and so the Office of Technology, you know, they've got to do whatever they do to make these meetings take place. I that might have had something to do with it, but I really don't know.

Mr. Eide- This is David. I am in contact with an individual at the county as we were thinking about trying to maybe have these meetings if we go it back in person. And as far as I know in December, unless I hear anything else, we are trying to get those bigger rooms. I think it's 40 A and B in the basement. So I'm trying to get kind of a schedule together because I have to send this over to someone at the county to see if it's available. So I guess It's not set in stone because I'm still trying to see. I think that in past meetings, if we are going to go remote. It was looked upon favorably to have a bigger rooms so people can space out.

Chair Miller- Okay, thank you. Yeah, like we said, we don't have to decide. I know my only comment for staff as you're thinking through this as we don't like to double up, you know, to meetings worth on the following Monday that can get trying. And then I suppose staff, David, you could look into the spaces. We might have potential conflicts of other spaces. I notice you put something in about the chat about city council last time. City Council meeting on Wednesdays. He sees zoning committee is on Thursday. So maybe we should think about a logistics before making a decision, and I think we have time to do that.

Chair Miller- Anybody have anything else from staff about next week? Next meeting?

Mr. Saylor- Yeah, I'd like to once again, bring up the subject of the terms of each individual board member. It's been going on for a long time now, of trying to get the information of exactly when each participant on this boards term ends. What's the latest on that Mr. Warner? Mr. Diatta? anybody from staff?

Mr. Diatta- I believe there are communications between David and what his name in the Mayor's office David. Noel Nix. I think the communication between networks, and I wasn't sure exactly what he said. When he communicated you. I believe he said that given name the commissioner that one day their membership renewed. But again, but he never provided information about the term ending

Mr. Eide- Commissioner Saylor, sorry, chair Miller and Commissioners. I had emailed the Mayor's office and there is a website that keeps track of this, but I was not sure how reliable that was and Noel Nix had written in these expiration dates, right here. Saying, basically, everyone has expired and I'm not sure how accurate that is. But that is what Noel Nix had written. I had sent an email to Noel Nix saying, here's the names of the commissioners, can you please let us know when their terms end and we'll put in these dates which appear to align with what the website said. And I spoke to the zoning administrator. We weren't sure if this is reliable, but this is what came from the mayor's office. So, next he did say please let the members know they should indicate whether they're interested in me considered for reappointment.

Mr. Saylor- Well, I do have not right on me, but I have the email that did reappoint me through the end of 2021 and I'm finding this a little frustrating that it seems like that no one among the administration seems to know who's responsible for this information or can access a simple Excel document to provide it. And I think out of respect for the Commissioners who do provide their time every two weeks for this and for the staff members, I think this is information that should be readily available. If not on a website, then at least upon request. And it has been weeks if not months since I first brought this request forward. And again, I do think it's reasonable to be able to ask this information and for somebody to be able to provide it.

Chair Miller- And on that too. I believe do we have somebody's application waiting in that office also because I know that Marilyn is become kind of a permanent substitute and I don't think that that was the intention there either.

Ms. Porter- Not on my part. This is Marilyn, I signed up as an alternate. That hasn't happened.

Chair Miller- Yeah, and I remember, we had a somebody or somebody decided to do it and we're waiting for like an approval or something like that. I remember hearing something about that a while ago, because we've also been waiting on that for quite some time.

Mr. Diatta- I'm not sure of that. Well, once in a while, we sent an email out and say, could you give me an update on the terms yet? In terms, the terms of the board members Matt was doing a great job keeping track of those, but I don't think it has been updated. The reappointment of I believe chair Saylor. And I believe Dan Miller. I think you two were the last. They got reappointed to at least 2021, but everybody else to me expired, and the newest, Clarksen and Swift and

they still hold expired. I think we're having trouble filling in these vacancies you know, keeping track with this, the terms and unfortunately, the appointments are made at the mayor's office level, of course, with the support of DSI staff when applicants are available. But I do not think we have any applications available at this point and that's probably why Noel Nix is saying, let me know if you want to be reappointed. As far as keeping track I would admit that we were doing a great job with that until shortly before Matt left and that's when we sort of dropped the ball and we are hoping that the Mayor's Office will have this information. Unfortunately they don't have it and I must admit, I think we dropped the ball on this at least from the appointment of Dan Miller and we implemented Miller and chair Saylor, but previously we have been keeping good tabs on that.

Mr. Saylor- Yeah, this is Thomas again. I would like to see, for example, you mentioned, commissioner Porter, who is an alternate, and I think serves us in good faith, but it's not supposed to be every week thing and I notified a number of people in August that my term expires at the end of December. I'm not seeking an extension and so there's going to be another person at the end of December that's going to be missing. And quite frankly I think the Mayor's Office is not treating the needs to show a little more respect towards the people on this board and the time and effort we give. And so I also emailed Noel Nix and never got a response. So I'm not sure how one actually communicates and gets answers from that office, but it's been a little frustrating.

Chair Miller- Commissioner Saylor, I will note that I mentioned this to the Mayor on Sunday as he was canvassing in my neighborhood. I said by the way, we have openings and I'm not sure, we'll see if that gains any traction.

Mr. Saylor- Thanks, Daniel, and maybe after the election, which is tomorrow that they'll be a little more free time to deal with other things in the mayor's office. So I sure hope that there's news, that can be conveyed to Commissioners from the responsible party or parties very soon. Thanks.

Chair Miller- All right, it sounds like we've got it all out there. Anybody have anything else to add before we before we wrap this up? Okay, I think with that. We should adjourn. Thank you, everyone.

Submitted by: Maxine Linston

Approved by:

David Eide

Daniel Miller, Secretary