

GENERAL MINUTES
THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
April 29, 2024

BOARD MEMBERS PRESENT

Daniel Miller
Jerome Benner II
Robert Clarksen
Megan Dayton
Marilyn Porter
Chris Schweitzer

STAFF PRESENT

David Eide DSI
Yaya Diatta DSI
Maxine Linston DSI
Josh Ladd City Attorney

ABSENT BOARD MEMBERS - None

APPROVAL OF MINUTES for March 4, 2024, and April 15, 2024

Moved By: Benner II / Second By: Dayton, Approved 4-0

APPROVAL OF RESOLUTIONS: None

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
24-018257	1787 Carroll Avenue - Janice Jaworski	Benner II	Dayton	6-0	Approved with condition
24-016691	63 Maria Avenue - Juan Cervantes	Benner II	Dayton	6-0	Approved with condition
24-017987	121 Virginia Street - Andrew & Jaclyn Wainwright	Porter	Benner II	6-0	Approved
24-023058	450 Snelling Avenue North-Snelling Midway Redevelopment LLC	Benner II	Schweitzer	6-0	Variance 1 - Approved
		Benner II	Dayton	5-1	Variance 2 - Approved
		Benner II	Dayton	4-2	Variance 3 - Approved
		Benner II	Dayton	4-2	Variance 4 - Approved
24-023545	1566 University Avenue West-Snelling Midway Redevelopment LLC	Dayton	Schweitzer	5-0	4 Variances approved w/condition. 2 Denied

Submitted by: Maxine Linston Maxine Linston
Maxine Linston (May 14, 2024 15:53 CDT)

David Eide David Eide

Approved by: Marilyn Porter
Marilyn Porter (May 15, 2024 08:07 CDT)

Marilyn Porter, Secretary

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
APRIL 29 , 2024

PRESENT: Members of Board of Zoning Appeals: Mr. Miller, Mr. Benner II, Mr. Clarksen, Ms. Dayton, Ms. Porter, Mr. Schweitzer

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

Legal: City Attorney Josh Ladd

ABSENT: None

The meeting was chaired by Daniel Miller and began at 3:00p.m.

Mr. Miller- Good afternoon and welcome to the Board of Zoning Appeals. Our purpose is to review and decide upon request for zoning code variances, administrative reviews, and requests to modify home occupation requirements for handicapped individuals. If you intend to testify today, we ask that you please start your remarks by giving your name and address. Staff will first show slides of the site, a presentation of findings and discussion will follow. We will then call on the applicant. Then those in favor, and then those opposed. At that point, the board may 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 appealed to the City Council within 10 days. We will take the cases in the order they appear on 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, a reminder 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 previous speakers.

Present today from the Department of Safety and inspections are David Eide. I think we should be joined shortly by Yaya Diatta. Our legal counsel is Josh Ladd, our secretary as Maxine Linston. My name is Daniel Miller. I am chair of the board. Before moving on to our first order of business, I ask that the secretary to call role of those board members in attendance for today's hearing.

Ms. Maxine: Attendance Roll Call- Clarksen- (Here.) Schweitzer- (Here.) Miller- (Here.) Benner II- (Here.) Dayton- (Here.) (Porter in at 3:06 p.m.)

Approval of Minutes for March 4, 2024 & April 15, 2024

Mr. Miller- Our first order of business. I'm going to get these dates here, is the approval of the minutes from both March 4th and April 15th. 2024. Is there discussion or motion?

Mr. Benner II- Motion to approve.

Ms. Dayton- Second.

Mr. Miller- Maxine, can we get a roll call?

Ms. Linston- Schweitzer- (Abstain.) Clarksen- (Yes.) Benner- (Yes.) Dayton- (Yes.) and Miller- (Yes.)

Moved By: Benner II / Second By: Dayton- Approved 4-0, 1 abstention.

Old Business: None.

New Business:

1787 Carroll Avenue: Chair Miller- The applicant is proposing to construct a new detached two-car garage on an existing slab in the rear yard. The zoning code requires a 3' setback from interior lot lines in a rear yard; 2.2' is proposed from the eastern property line, for a zoning variance of 0.8'. Go ahead Mr. Eide.

Mr. Eide- Thank you. Chair Miller board members. This is a 39.75' by 150.16', 0.13 acre parcel on the north side of Carroll Avenue between Fairview and Wheeler. An alley abuts the property to the north, as you can see and provides vehicular access. The existing single-family home or dwelling was demolished down to the foundation and a building permit was issued to construct a new single-family home on that foundation. A detached garage constructed in 1976 on the property was removed down to the foundation by the prior owner without a demolition permit. It's surrounded by primarily single-family dwellings and duplexes with multifamily housing to the east across the alley. The section of the code that the applicant is requesting a variance from a 63.501 which requires a three-foot set back from interior property lines. And in this case, it's from the Eastern property line. So I can show the survey with what they are wishing to construct on there. So here's the proposed garage. Typically, you need three feet from this interior property line. The applicant is requesting 2.2 feet because that's where the existing slab is. Staff recommend approval of the requested variance. I just want to highlight the plight of the landowner. So the existing foundation is a circumstance unique to the property, not created by the land owner.

And although the existing foundation was installed under permit, the former owner did not apply for a permit to demolish the detached garage. Given the slab is still usable, It is reasonable to allow the new property owner to construct a new detached garage on it. The existing location of slab creates practical difficulties in complying with that provision. **Correspondence-** staff did receive a letter from District 13 Union Park District Council supporting their request and if you read it closely you might notice that it references the alley setback. There's some confusion on the letter. They meant what you see here, the eastern setback. So Leah did send an email that I gave you all confirming that they understand that it's the Eastern setback and then staff did not receive any correspondence regarding their request. And like I said based upon findings one through six ,staff recommend approval of the requested variances subject to the condition that gutters and downspouts are installed to direct stormwater away from the adjoining property to the east and that's fairly standard when we have a setback variance. So if you have any questions, I'm happy to answer.

Mr. Miller- Any questions for staff?

Mr. Benner II- Thank you chair. David, maybe you can kind of help me refresh my memory. If it's just an existing slab. Are they expanding the slab at all?

Mr. Eide- No, they are not.

Mr. Benner II- Okay, so I guess if they're not expanding along a non-conforming setback, how come they need a variance?

Mr. Eide- Chair Miller and board member Benner, great question. We don't have any records of how tall that garage was so typically when you want to reconstruct in the same setback and everything, that's fine. But we need record showing what was there before. Given there were no records, this seemed like the cleanest way if they wanted to be able to reuse the slab because we didn't have any documentation because then I think the former owner told people that they could just take or cart the wood away or something. That was my understanding.

Mr. Benner II- So, nice way to kind of like clean the record and start over, correct?

Mr. Eide- Yep.

Mr. Benner II- You don't have a record for how tall the old wall was on that garage because you can't expand within the setback.

Mr. Eide- Yeah.

Mr. Benner II- Okay. Thank you.

Mr. Miller- Any other questions for staff? David, I noticed there's plans for the house too, but we're just discussing this exact set back? There's nothing else to do at the house right now.

Mr. Eide- Chair Miller, correct. The house meets the requirement. So, I just put it in there because it was included with the application.

Mr. Miller- Okay, any questions for staff? If the applicant is present, you can step forward and once seated in the chair, state your name and address.

Jonathan Sanchez- Afternoon everyone. I'm Jonathan Sanchez in place of Janice Jaworski. Did you want the address of the property?

Mr. Miller- Your particular address or business address location.

Jonathan Sanchez- 1026 Carrie Street, St. Paul, Minnesota 55118.

Mr. Miller- Anything you'd like to add to what Mr. Eide provided?

Jonathan Sanchez- No, I think he hit all the points. Yeah, the previous owner of the house was burned down. So the garage, he had told other people that they could come in and pretty much take the garage that was there and all the lumber with it. So everything was structurally sound so they just took it and I guess it was place somewhere else.

Mr. Miller- Any questions for the applicant? Not seeing any. Just sign into the red book, and once you're done with that, you can take a seat again. We may call you back if there's any extra questions. Is there anyone here from the public to speak in favor of this variance request? Okay, same thing. Once you're done just state your name and address.

Dean Cummings- I'm Dean Cummings. I live at 1910 Marshall Avenue St. Paul 55104; I am also a co-chair of the Land Use Committee of the Union Park and I'm also a board member of Union Park District Council and just wanted to amplify our support of this project and this variance that they're asking, and I apologize for the confusion on the setback. We did get that figured out and we're fine with the setback on the east side is what we were with so just make sure we're 100% clear that we're good with that. We've had discussions about that. We've got it straightened out and we think replacing a house that got burned down and adding a new garage too is a great idea and a good addition for the neighborhood. Thank you.

Mr. Miller- Thanks. Is there anyone else to speak in favor of this variance request? Anyone to speak in favor? Is there anyone to speak in opposition to this variance request? Anyone to speak in opposition? Seeing none, I will close the public portion of the hearing and open this up for discussion or a motion.

Mr. Benner II- Thank you, chair. I move approval of the variance request based on staff findings, including the staff recommendation on gutters and downspouts.

Ms. Dayton- Second.

Mr. Miller- Roll call please.

Ms. Linston- Porter- (Yes.) Schweitzer- (Yes.) Clarksen- (Yes.) Dayton- (Yes.) Benner II- (Yes.) and Miller- (Yes.)

Mr. 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.

63 Maria Avenue: Chair Miller- The applicant is proposing to demolish the existing detached garage and construct a new attached garage, rear kitchen, and second-story addition onto this existing one-story single-family home in the H1 zoning district. The zoning code requires a side yard setback of 5'; a setback of 3' is proposed from the eastern property line for the attached garage wall, for a zoning variance of 2'.

Mr. Eide- Thank you chair Miller and Board members, David Eide again with the Department of Safety and Inspections. I was going to pull up the site plan on the map. So this is the existing house here. This is a 50.27 by 150.08, .17-acre parcel on the south side of Maria Avenue between Urban Place and Wilshire Place. An existing home constructed 1930 is present on the property along with the detached garage that's accessed via driveway from Maria Avenue. The surrounding land uses are primarily single-family dwellings. The applicant is requesting a zoning variance from 60.231 which is the table with the side yard setback that's five feet in the H1 zoning district. To get into the findings. Maybe I'll put the plans first. So it's currently a one-story home. But the variance request is on this side, on the Eastern side, so it would be the one-story garage portion that would be constructed within the required setback. So three feet proposed, five feet required. So, the variance is in harmony of the general purposes and intent of the zoning code and consistent with the comprehensive plan. The proposed addition is an improvement to the property. Provided that gutters and downspouts are installed to direct stormwater runoff away from the adjacent property to the East and the exterior finish of the addition complements exterior finish of the house, this request is in harmony with the general purposes and intent of the zoning code. It is consistent with goal one of the 2040 comprehensive plan which encourages decent safe healthy housing and H-8 which encourages creativity in building design and site layout. Those two findings are met. Regarding practical difficulties. The lot size is typical, but the house has an 8.3-foot side yard setback on the western side and a 17.8 foot setback on the Eastern side. The H1 District requires five feet, if the home were two feet further to the west, then the applicant could meet the side yard setback and they would have sufficient room for the addition on the Eastern side. It doesn't have an alley which makes vehicular access and garage parking more complicated. The applicant is proposing demolish the existing one car garage that has a 1.4-foot setback from the Eastern property line and construct a new attached one stall garage with living addition. The garage portion of the addition, like I said, would be two feet away but that's the one-story portion. The applicant states that the current elevation and location of the existing one stall garage is not ideal from a drainage standpoint as the lot slopes towards the overhead door.

Moving the garage forward on the lot and attaching it to house would more effectively allow water to be routed towards the rear and the front yard rather than towards the garage. The existing placement of the home, grade of the property, and lack of alley access create practical difficulties, and the one stall garage is not unreasonable on this property. Same for finding number four, the placement of the home, grade of the property, lack of alley access are circumstances unique to the property. So those two findings are met. Regarding uses, a single-family home is permitted, and the variance will not alter the essential character of the area.

Correspondence- Staff did not receive a recommendation from District 4 - Dayton's Bluff Community Council. Staff did receive an email with concerns from the property owner directly to the east at 61 Maria Avenue. And that's in your packet and then based upon findings one through six, staff recommend approval of the requested variance subject to the condition that gutters and downspouts are installed to direct stormwater away from adjacent properties and exterior finish of the addition complements exterior finish of the house. So if you have any questions, I'm happy to answer. And applicant is here too.

Mr. Miller- Any questions for staff? None. If the applicants are here, go ahead and step forward. Once seated state your name and address.

Juan Cervantes- Juan Cervantes, owner of 63 Maria Avenue.

Mr. Miller- What would you like to add to what Mr. Eide has shared with us.

Juan Cervantes- Nothing, I think between the blueprints and the data that was provided it's an overall project. I will tell you what though, it's a personal project. I'm doing for my daughter who is expanding her family. And so the current house is a two-bedroom. They have two kids. Well, so, you know various pets and what have, but the idea is to keep them in the neighborhood.

Mr. Miller- Any questions for the applicants? I'm not seeing any. You can go ahead and take a seat and sign into that red book. Is there anyone here to speak in favor of this variance request? Anyone here from the public to speak in favor? Is there anyone here from the public to speak in opposition to this variance request? Anyone to speak in opposition? Seeing none, I will close the public portion of the hearing and open this up to a discussion or motion.

Mr. Benner II- Based on findings one through six, I'd like to recommend approval of what staff has stated. Yeah, with the conditions as well.

Ms. Dayton- Second.

Mr. Miller- Roll call please.

Ms. Linton- Schweitzer- (Yes.) Porter- (Yes.) Clarksen- (Yes.) Benner II- (Yes.) Dayton- (Yes.) Miller- (Yes.)

Mr. 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. It's a good-looking project.

Moved by: Benner II / Second by: Dayton

Approved with condition 6-0

121 Virginia Street: Chair Miller- The applicant is proposing to demolish an existing detached garage and construct an addition with an attached garage and living space onto this existing single-family home in the RM2 zoning district. The zoning code requires a side yard setback of 9'; 4.2' is proposed from the southern property line, for a zoning variance of 4.8'. Mr. Eide? We seem to have a theme going here today.

Mr. Eide- Chair Miller, Yeah. Thank you chair Miller and board members. David Eide with Department Safety Inspections again. This is 106.93 by a 137.88, 0.33-acre parcel on the west side of Virginia Street between Laurel Avenue and Maiden Lane. The surrounding land uses are primarily residential with the surface parking facility to the west of the property. This one is a bit quirky because it's a single-family home in the zoning code. Section 66.231. Our old code used to default to the R4 standards, but now because the lot is more than, if you look at the sub notes, it's more than where is that 60 feet wide, so it doesn't get to be reduced down to five feet. So the normal 9 foot in the RM2 applies, so it's kind of quirky in that way. So I just wanted to point that out because maybe you're wondering why it's a nine-foot side setback.

Maybe I'll bring up the plans. So the applicant did go through HPC and got their approval and I put that at the back of the packet so you can read the action minutes from that meeting, if you were curious about that.

So here's the proposed site plan. So I'll get into the findings that the variance is in harmony with the general purposes and intent of the zoning code. The proposed addition is an improvement to the property. It's replacing a deteriorated detached garage with new attached garage that's more usable to the new occupants and it's in harmony with the general purposes intent of the zoning code in 60.103. The variance is also consistent with the comprehensive plan goal one that encourages safe healthy housing for all St. Paul residents and H-8 which encourages creativity in building design and site layout. So those findings are met. Finding three regarding practical difficulties. The property is within the Local, State, and National Historic Hill district. The project has received HPC approval. Like I mentioned, the existing detached garage is located in the southwestern corner of the property with a 1.57-foot rear yard setback. The proposed attached garage addition would provide the required rear yard setback of nine feet. There is an existing elevated brick terrace on the southern side of the building here that my cursor is on, that cannot be removed, per the HPC guidance. A smaller side yard setback would ensure that the owner can install a garage in alignment with the existing driveway on the property while making it possible to maneuver around the elevated brick terrace. The location of the existing home and elevated brick terrace create practical difficulties in complying with the provision to permit a reasonable two stall

garage. That is met. Regarding the plight of the landowner, the existing location of the home, brick terrace, and historic nature of the property are circumstances unique to the property that were not created by the landowner. That finding was met. Regarding uses and the essential character, this is a single family home, which is permitted in this district, and the proposed garage would be constructed to the side behind the existing home and has received HPC approval. The proposed side yard setback would not will not alter the essential character of the surrounding area. That finding was met. You'll notice that I didn't put any conditions because it is HPC, they already reviewed it to make sure that it's complementary and it is 4.2 feet away. So you know, if we required gutters, that might not jive with the design, so I did not think that was necessary in this case.

Correspondence- As of the date of this report, staff did not receive a recommendation from District 8 Summit-University Planning Council. Staff did not receive any correspondence regarding the request and then based upon findings 1 through 6, staff recommend approval of the requested variance. So if you have any questions, I'm happy to respond.

Mr. Clarksen- Mr. Eide, just kind of curious. In the past a lot of times we've had things come through that required an HPC approval and usually that doesn't happen before we see it, so I was curious why in this case that went first. I prefer this. I like it. I was just curious.

Mr. Eide- Chair Miller and board member Clarksen. I am not sure. I don't know if they were doing due diligence. They might be here to discuss that. We've gone back and forth to the HPC on whether they want things to come here or to them first, and this is how it worked out this time.

Mr. Miller- Any other questions for staff? Seeing none, if the applicant is present, step forward and state your name and address and sign into the red book at some point.

Charlie Simmons- Charlie Simmons, 1601 Utica Avenue South, St. Louis Park Minnesota 55416. I'm representing the property owners. My firm was hired to design and shepherd through via the HPC the remodel addition project. I can answer Mr. Clarksen. Over a year ago, the first order of business on any project obviously as you do your due diligence, we talked to City staff zoning planning to make sure the rules are set. We did that side yard setback at that time over a year ago was 4-foot side yard setback. We designed our project, met with HPC. It was approved and general concept. We were then allowed to further develop the design, presented it to the HPC, they approved it gave us the green light to complete the documentation. We did submit for a building permit and then were notified that in between final HPC approval and building permit that the side yard setback has switched from 4 to 9. Therefore, we are requesting a variance. Our documentation that's essentially already been done at that point. I can answer any other questions since I'm up here. Any questions for the applicant? Thank you.

Mr. Clarksen- Just out of curiosity. What's that? Is that a big parking lot behind?

Charlie Simmons- That is just a paved parking, I think Mr. Rupp owns that.

Mr. Miller- Any other questions for the applicant? You can go and take a seat. We may call you back up. Is there anyone here from the public to speak in favor of this variance request? Anyone want to speak in favor. Is there anyone here to speak in opposition to this variance request? Anyone in opposition? Seeing none, I will close the public portion of the hearing and open this up to a discussion or motion.

Ms. Porter- I move approval.

Mr. Benner II- I'll second.

Mr. Miller- All right, this one's good. Roll call, Maxine.

Ms. Linton- Dayton- (Yes.) Schweitzer- (Yes.) Clarksen- (Yes.) Benner II- (Yes.) Porter- (Yes.) and Miller- (Yes.)

Mr. 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. Get started before they change the rules again.

450 Snelling Avenue North: Chair Miller- The applicant is proposing to construct a new surface off-street parking facility on this property to serve a future commercial building on the adjoining property to the east. Four variances are requested:

- 1.) Surface parking areas and entrance drives accessory to a principal building or use may occupy no more than sixty (60) feet of the total lot frontage; 371 feet is proposed, for a zoning variance of 311 feet.
- 2.) Surface off-street parking spaces shall be a minimum of four (4) feet from all lot lines; no setback is proposed from the eastern property line, for a variance of four (4) feet.
- 3.) Screening shall be provided consisting of a masonry wall or decorative fence (not including chain link) supplemented with landscape material, forming a screen a minimum of three (3) feet in height, a maximum of four and one-half (4½) feet in height not including trees, and not less than fifty (50) percent opaque; no masonry wall nor decorative fence and no screening is proposed, for a variance of this requirement.
- 4.) A minimum of at least one (1) shade tree shall be planted for every five (5) parking spaces in a surface parking lot, meaning that 19 trees would be required for the 99 surface parking spaces proposed; no trees are proposed, for a variance of 19 trees.

Mr. Eide- Thank you chair Miller and board members. David Eide with the Department of Safety and Inspections again. So today we're talking about 450 Snelling Avenue North. And I should pull up the map first. So it's this parcel right here, the stadium is. It's right here, that proposed office building is on this parcel. So there are four variance requests that are being requested but were just read off. One is the entrance drives lining, like the surface parking and entrance drives lining the street frontage. The setback request from the eastern property line, the decorative fence (you could do a masonry wall and screening landscape to meet that requirement), and then the shade tree requirement. Here's the property that's in question. Here it is on the Master plan, you can see that it's currently vacant land. To the north is another vacant parcel, but there's a sculpture proposed to go there and to the west across Snelling we have some mixed use buildings. To the South is the surface parking facility, and another one that is an interim facility. So the master plan, I don't know how familiar you are with this, but new streets were added to break up the super block, which was a shopping center and there was a bus maintenance facility, you can read all that on there. I'll mostly focus on the variances today. So the proposal here is for a 99 space off-street surface parking facility that would serve the that proposed four-story office building. The office building does have internal underground parking. This surface street surface parking facility would serve this building until the future when they're hoping that a building would be built on this property with its own enclosed parking to serve both buildings. They do have an interim use permit for this surface parking facility because the zoning code, like the master plan doesn't really allow surface parking over like 15 spaces long term. So here's some renderings of the proposal. So as you all know, six findings need to be found true to grant zoning variances, and I've gone through those on other cases, but I just wanted to be clear on that. Here is the interim use permit that's specifically for this parking lot because there were other parking lot surface parking facilities that got interim use permits, but then this one was a new one that was added and then the master plan that has some of the requirements that was also amended, and I just wanted to point out some information in the master plan and the intern use permit. So it says that minimal, and you know, they're trying not to make of these parking lots become long-term things. So it says minimal improvements to the surface parking lot may be allowed but significant investment is discouraged and will not constitute a justification for long-term use. Another part of this is that it also says that this permit for this surface parking facility, the interim use permit, allows the temporary surface parking facility, but it does not grant any variances that may be needed to establish the use. So the assumption was that they would need to meet all the requirements. So here is the diagram that explains the frontage so you can see that on Shields it's 182 feet of frontage, 100 feet on Snelling, and 89 feet on Spruce Tree. So, I think that intent behind that is just in a pedestrian oriented zone. We want the parking to be like behind the building not lining the street with parking because it's kind of

detrimental to the pedestrian experience. So to get into the findings for this one, the parking lot is temporary nature to provide parking for the building until the underground parking is constructed. So to be clear, before I go through these I'm focusing on variance one first. I'm going to go through all the variances separately. I didn't lump them together just to make it clearer. L-7 promotes land use zoning flexibility. So that finding was met. But, you know, provided that the decorative fencing and screening landscaping is provided along with the tree plantings to mitigate the effects of the parking facility, it seems reasonable. The practical difficulty in this instance is placing the parking lot with three street frontages present. So that finding is met. The future parking facility is not yet constructed. It's a major phased development. So finding four was met. Finding five regarding uses. There is an interim use permit for this. So that finding was met. Regarding the essential character, provided that the decorative fence and screening landscaping along the trees are provided, the surface parking facility will not negatively alter the essential character of the surrounding area. That was finding was met. So overall, staff recommend approval of their request for the street frontage variance. So that would be for 371 feet of frontage lined with parking lot and entrance drives. Now to get on to variance number two. The zoning code requires a four-foot setback along the Eastern property line. The parking actually proposed to go over the property line, but you can't like have a negative variance. So it's just to have it 0 feet, so staff overall recommend approval of this variance. To get into this. The intent of the setback requirement is to ensure that parking lots do not adversely impact neighboring properties. However, at the time of this improvement, the property is owned by one property owner, the two properties. Accordingly, the impact is known to all parties and the potentially negatively impacted property owner, they're the ones requesting the variance. So that's in harmony with the general purposes and intent of the zoning code. Regarding the comprehensive plan, LU-9 promotes high quality urban design LU-7 supports Land Use and Zoning flexibility, LU-18 supports facilities outside of public rights of way to support pedestrian and bicycling activity. So you can see that they're actually moving it further away from Snelling. They're going to shift it away from Snelling, which is a good thing. Placing the surface off-street parking facility closer to the Eastern property line helps to fulfill the parking needs before the permanent building is built on the property and will allow for a greater setback from Snelling, like I said, and then the Union Park Community Plan supports safe pleasant and interesting pedestrian experiences along Snelling. In addition, one of the design principles guiding the development of the master plan is for transit-oriented development and a pedestrian first walkable neighborhood. Shifting the parking lot to the east away from Snelling supports these goals. In addition to the larger setback, decorative fencing and screening landscaping along with street tree plantings will help achieve the goal until a permanent building with off street parking is constructed, so that one was met. Regarding practical difficulties, if the applicant were to comply with the code, parking spaces would either need to be removed or they would have to shift towards Snelling. So that finding was met in that it is reasonable to have it further away from Snelling. Finding four regarding the plight of the landowner. It's a unique phased development. The temporary surface parking facility is a circumstance unique to the property that's not created by the landowners. That finding is met. Regarding uses, they have that interim use permit. Finding six regarding essential character, it will not negatively impact the essential character. So for variance one and two regarding the frontage and the eastern property line setback, staff recommends approval of the variances. Regarding screening, so I have an example of what the code is looking for. It's looking for both a decorative fence which could be like a masonry wall. But in this case, this is Vomela on the East Side. They chose to go with the decorative fence supplemented with landscaping material at least three feet and a maximum of four and a half feet. So and it has to be at least not less than 50% opaque. So, the applicants are not proposing to put anything around the property, this parking lot. So to get into the findings for that, the intent of the code section is to buffer the facility from the public right of way. It's reasonable to install these measures to mitigate the impact of the off-street parking facility while its present. So that finding was not met. Regarding the comprehensive plan, T-9 kind of refers to the street design manual. Page 47 of that specifically states that off-street surface parking facilities abutting the sidewalk should be buffered by landscaping or other features that serve to screen the parking use provided that sightlines at driveways are maintained. They can stop the fence 10 feet before the driveway to make sure that they're not doing that. LU-18 supports facilities outside of the public rights of way to support pedestrian bicycling activity. And then some of the same things that repeat about the Union Park Community Plan along Snelling. This would kind of define the road better. So that finding was not met. Regarding practical difficulties, the interim use permit states that minimal improvements may be allowed but significant is discouraged.

Although the applicant has highlighted that statement in their application, a decorative fence and screening landscaping are a minimal investment in comparison to something like an underground storm water management system, which would be considered a significant investment. The proposed surface off-street parking facility in this area with significant pedestrian traffic, especially during events at the stadium (the Light Rail stations are right here), theoretically you'd walk down here or maybe up here. It is located nearer University Avenue than the other facilities along routes that are likely to be utilized by pedestrians traveling to and from the stadium. A decorative fence and screening landscaping encourages pedestrians to travel along the sidewalks and discourages traversing the parking facility, which would be a safety concern. The applicant stated that they're concerned about increasing the quality of the landscaping and that doing so may conjure up opposition when the surface parking facility is developed in the future, however, the interim use permit sunsets this property as a surface parking lot and it's known that the plan is for vertical development eventually. Potential opposition in the future does not justify forgoing installation of these improvements at this time as users around the property are going to need to contend with this surface lot in the meantime. In addition, the interim use permit clearly states that, you know, it doesn't allow any, it doesn't grant the interim use permit, doesn't grant any variances. So the use is reasonable as a temporary surface off-street parking facility, but it is also reasonable to install some of the improvements. So that finding was not met, regarding the plight of the landowner, it seems to be due to the desire to reduce investment in the interim lot and avoid future strife when developing. This is not a circumstance unique to the property due to like a physical characteristic. That finding was not met. Regarding uses, the interim use permit allows it, so that that was met. Regarding the essential character, it won't significantly alter the essential character, given it's currently vacant. So with that request, staff recommend denial of that variance request based on findings 1 through 4. The next variance regarding shade trees, so given that there's 99 spaces if you do the math on 99 spots. Yeah, 99 spaces would require 19 trees. So this is an example actually near the Midway Target. So the intent of that requirement is to buffer the facility from adjacent properties and the public right of way to reduce visual glare and heat effects of large expanses of pavement and provide areas for the retention of and absorption of stormwater runoff. While the surface parking facility is present, it is logical to provide the required trees, given that the room exists to do so. And four regarding the variance being in harmony with the general purposes and intent of the zoning code, that finding is not met. The comprehensive plan, it's similar to the landscaping findings. So the intent is to dampen the visual glare and heat effects of large expanses of pavement to ensure the public right of ways surrounding the facility are pleasant to walk on. It's reasonable to require trees to mitigate the potential negative effects and aspects of the surface parking facility while it is present. That finding was not met. Regarding practical difficulties, given that there is room, I'm not quite sure what the practical difficulties are. You can get small bare root trees and pop them in. Regarding the plight of the landowner, the plight of the landowner seems to be self-created given that there's plenty of room to plant the required number of trees in the proposed parking lot landscaping. So that finding was not met. Regarding uses, we point to the interim use permit. That finding was met. Regarding the essential character. It would not, given that the property is basically an old parking lot for the shopping center.

Correspondence- So staff received a letter from Union Park supporting all of the requests. So here's the summary: staff recommend approval of the first two requests to guarding the entrance drives & surface parking frontage and the setback from Eastern property line. So that would allow them to construct the lot and then the last two that require the decorative fence screening landscaping and the shade trees, staff recommend denial based upon findings one through four. And Union Park District Council, they did support all the requested variances. They kind of were looking for less investment in the lot. However, the applicant did extend the interim use permit for the other lots. So it, you know, they have the option to extend. I'm just putting that in your head. Staff did receive a letter from the Midway Chamber of Commerce supporting the project generally and the St. Paul Area Chamber supporting the requested variances specifically. Staff did not receive any letters in opposition to the project. So if you have any questions, I'm here to answer. The applicant is also here.

Mr. Miller- Any questions for staff?

Mr. Schweitzer- You mentioned the temporary variance to allow the parking lot to be constructed at the current time. When does that when is that set to sunset?

Mr. Eide- Chair Miller, board member Schweitzer, that is a very good question. So the interim use permit for this office building, the five years, is set to start once they get their certificate of occupancy for the office building, which is a good idea because if the office building takes long time, who knows. So they set it so it starts with the C of O for the office building. So luckily that's pretty clear.

Mr. Schweitzer- But as you say, at any time, they can choose to apply for an extension to that parking lot permit. So there's no firm guarantee that that's ever going to stop being a parking lot in the foreseeable future.

Mr. Eide- Chair Miller and board member Clarksen, correct. They can extend, they can request to extend it however many times they want, although theoretically it sunsets.

Mr. Clarksen- On one of the pictures you showed, there's like a kind of an, if you show like maybe the site plan again what I can't, I can't see it on my screen, but the that bold brown or bold dark line within this kind of like a trapezoidal shape thing in the upper left corner of the lot. What, is that the building? Or in the drawings it looks like there was also a space for our Green Space that was kind of coming off of Snelling too, but I couldn't quite understand what that was about.

Mr. Eide- Chair Miller, board member Clarksen. That's a good question. That is, I believe the surface stormwater retention solution that they came up with. Is this what you're asking about?

Mr. Clarksen- Yeah, I think it was. So is that built on, like I'm having a.

Mr. Eide- Yeah, so this would be, I think, the spillway to route the water into here.

Mr. Clarksen- Okay. It's kind of an interesting way of showing it. All right. I think I understand. Could you zoom back out again? Okay. So it's interesting then that there's an on-site retention facility being constructed and yet we're not doing any setbacks, we're not doing any sort of green space, we're trying not to do all that stuff. But that's there. I guess. That's what I'm saying. Just find it intriguing. Thank you for showing that. Mr. Eide.

Mr. Schweitzer- Mr. Eide, that retention. Does that take the form of a catchment pond? What does, what would that look like?

Mr. Eide- Chair Miller, board member Schweitzer. I think it's just bare ground that's going to be the depression with the retaining wall around it so it can flow in there, the water.

Mr. Miller- Mr. Eide, do you know what's the timeline on the proposed office building? I'm thinking that you could build a parking lot and not build office building for a few years and we run into sunseting timeline issues.

Mr. Eide- Chair Miller, board members. That is a good question. I think that they did submit for site plan approval for the office building. So theoretically they, I think they want to get going like this summer fall, but I think they might be able to answer that.

Mr. Miller- Questions for staff before we call the applicant. Okay, not seeing any. Applicants, you can step forward and once you do state your name and address, business address is fine and sign your name in that book at some point. Thank you.

Mike Hahm- Mr. Chair and committee members. My name is Mike Hahm. I live in the Como Park area of St. Paul, my colleague Carolyn Wolf with the TEGRA Group. We're here on behalf of United Village.

Mr. Miller- Okay, could you, do an address or a business address?

Mike Hahm- I live at 1045 Van Slyke in Saint Paul.

Carolyn Wolf- Carolyn Wolf, TEGRA Group, our business address is 1600 Utica Avenue, St. Louis Park.

Mike Hahm- So, um, we're representing our project team, our engineering firm is Loucks who has been working with us on the project. Our architect for these projects is Populus. So that is our group and our team. With the permission of the chair, I'd like to review of some context for the overall development. I think we learned some lessons going through this with the approvals for previous projects, and we want to make sure some of the context that you've already referred to in your discussion is available to you. Pulling up the grid, the entire United Village site encompasses the entire super block that is between interstate 94 to the South, University Avenue to the North, Snelling to the west, and Pascal to the East. The 200 million dollar privately funded Stadium, Allianz field, sits on the south portion of the site. The balance of the site is pretty much vacant land right now and it's an unprecedented blank canvas for development of the rest of the site. Unprecedented, first of this scale in the center of the city. The community and the developer both have great ambition and expectations for the site. It's really critical in its connection to transit with the Green Line along University Avenue. Also, the A line on Snelling and the interstate freeway. The potential benefits to the community are very great. We've been working kind of hand in glove with the city for over a year to bring the overall plan together. Daniela Lorenz, I think is in the crowd here and I think it's safe to say we're all pulling in the same direction in that the city wants to see the development happen and be successful. On top of all of the high expectations for the site, the problems that we've had economically, the problems that the site is had environmentally. This site is also kind of was the center point of civil unrest following the murder of George Floyd and the buildings on the site including the Midway shopping center were damaged by fire and had to be removed and that has caused kind of frustrations and delays for the community and developer that have set back the site four years while we've dealt with that. What the BZA is considering today are two specific buildings that are part of the overall development of the site. Individual pieces of the plan that we collectively call United Village Phase 1 and collectively they represent over 2 million, 200 million, excuse me, 200 million dollars of additional private equity investment in St. Paul in the Midway on this site. Some of the projects that are happening simultaneous to the two projects you're considering, the hotel project on the map block D, where Carolyn as the cursor, has similarly approved variances that the City Council acted on within the last month. There are also two privately-funded parks that will be publicly accessible in A1 and down in block G that are under construction essentially right now. The playground looks great and those are going into place. The office building which is in B2. And the second item that we're going to be talking about in F1 are the two buildings that have the variance requests before the BZA today. I want to talk a little bit about our client, the developer here. I think this is important when we talk a lot in community to be about wealth extraction and developers profiteering from things and bringing investment out of the community. Our developer is local, a Twin Citian, who is his made previous investments on this site and is choosing to make investment back into the Midway. The developer has a track record for delivering excellence in terms of customer expectations and design excellence as well. If you're familiar with the Gold Medal Park in Minneapolis, the park itself, and then the development that formed around it and the Guthrie. The developer built and maintains Gold Medal Park and the developer is also part of the principal group that built Allianz Field and the area surrounding it. So that's what we're talking. That's what we're talking about. In working with the city staff, leading up to this point, a couple things that I want to stress, and the staff has been great to work with and the community has been great to work with. What in terms of the uniqueness of this site and what we're trying to accomplish here is overall community but the existing zoning standards of T4, some of the T2 that surrounds this, are really challenged to call for what we're trying to create here. In this area and in St. Paul generally, we don't have the benefit of an entertainment zoning district that would be more typical for dealing with this type of ambition, in this type of setting, in this type of scale. I also want to stress that although what we're talking about, what Mr. Eide represented, and what you're considering variances for specific buildings. What's happening on this site as part of this phase and what's going to follow is part of a very intentional plan to create vitality on the entire site. So we're asking you to evaluate it with a lens to consider those things together and what's trying to be created here and what the developer and the landowner is trying to deal with in terms of accommodating the overall site, the design, the orientation, the pedestrian flow, the connectivity of all of the individual buildings are connected on the site and the developer that now has site control of the entire superblock is responsible for implementing all of those things kind of concurrently. So the impact between these is all borne by the same developer. The final thing, I think the final thing I want you to consider overall is that part of why we're asking for variances and why we've asked the city consider it over before the board of zoning appeals is because all of the buildings

in the central area and the buildings for the entire superblock are oriented toward the Great Lawn area in the middle of the block grid. So it's gathering, it's not very typical for things that are before the BZA or the city staff to apply the zoning code for things that are oriented toward a land feature rather than aligned towards streets and things where a lot of the code specifies that building entrances, block faces should be oriented toward streets. We are intentionally aligning all these buildings and the parks, the hotel that was previously approved, and the two buildings we're talking about today toward that central feature. And the vitality we're looking to create there and then finally the variances we're talking about we are not, our developer is not requesting these variances to avoid cost or investment. They simply reflect a few things that are necessary to deliver on what is exceptional design. And what is the human experience we're trying to create on the overall site. So we'll be going through these things and be asking that the board grant all the variances requested, not for ease of construction or cost savings but to achieve what we're trying to create on the overall site, I do have some comments that get directly at the office building and parking lot for your agenda item four, but if it pleases chair I can pause if there's any questions on the overall site before we talk about the agenda item four.

Mr. Miller- Any questions for the applicant to this point?

Mr. Brenner II- Thank you, chair Miller. Mike, where are you guys terms of having a someone sort of like a developer already, not a developer, something already planned for the site in terms of, are there site plan approvals? Like, where are you in the process of finding someone for the adjacent site.

Mike Hahm- For the office building?

Mr. Benner II- The office building. Yes, thank you.

Mike Hahm- I'll ask my colleague Mrs. Wolf to answer that question.

Carolyn Wolf- Yeah, for development just west of the office building, that would be part of phase two which includes development of Block E and development of F2 on the block plan. That would be on the next phase.

Mr. Benner II- I guess maybe I'll rephrase my question. So for Phase 1, you want to put the parking lot for five years, maybe longer, right? Potentially.

Carolyn Wolf- Oh, I'm sorry. I misunderstood your question. The office building, is that what you're asking?

Mr. Benner II- Yeah, so there's going to be so, we're here to look at a temporary use parking lot, right, that may be around for five years or so, hopefully not longer than that. And then the new building would come in. Do we know, is there any like, what do we have planned, what do you guys have planned for the new building to go in, like in terms of this is zero to five years that we are looking at?

Carolyn Wolf- Yeah, that would be part of phase two.

Mr. Benner II- I was trying to make sense of it in my mind.

Carolyn Wolf- That would be part of phase two, the office building itself. We do have site plan application in to the staff right now. Once that is approved and we have the building permits applicable for the office itself, it's about a 12-month build.

Mr. Benner II- Okay, thank you.

Mike Hahm- And the office building itself does not require, we're not applying for any variances for the office building. It does not require any.

Mr. Benner II- And that would have structured parking from my understanding, right, or like underground?

Carolyn Wolf- Below grade parking for approximately 45 cars, vehicles.

Mr. Benner II- Okay.

Mr. Clarksen- So you said phase two, maybe it was said before, but I may have missed it. When does, are we in phase 1 now?

Carolyn Wolf- We are in phase one.

Mr. Clarksen- And Phase 2, like what constitutes the beginning of phase two or when can we project for that to happen? I guess kind of parallel off his question.

Carolyn Wolf- Yeah, and to clarify, the phases are all part of the 2016 master plan that was developed while Allianz field was being built. So within the outline of the 2016 plan, it requires office, entertainment, hospitality, and residential so part of this first phase is really building out the core of that 2016 plan with the office, hotel, and restaurant pavilions. We will then look to complete the agreed-upon 2016 development with a balance of the required structures.

Mr. Clarksen- Okay. So, it's, help me interpret what you just said for my own understanding then. We're about eight years behind the or it's about eight years after the approval of the first phase and we're still talking about the developed, the early development that would have come with that. I shouldn't have said eight years behind, I apologize. But it's been about eight years since the approval and we're still, we still haven't seen the beginnings of phase one come out of the ground if that's a fair way to put it.

Mike Hahm- It's um, Mr. Chair and commissioner Clarksen. It's a fair question. That's what we talked about with the community a lot when we've been out there and we've tried to explain in the media, but I'd ask folks to consider that Allianz field is only itself is only 5 years old, right there, four years old. And when Allianz field opened there were still buildings. The Midway shopping center was still there. There were still buildings on this portion of the property. So while things like the civil unrest and the destruction following the murder of Floyd put us back, it's probably put us back about two years rather than 4-5 years. These things take a lot of time. I'd also ask, we've asked the community to consider and I would ask that the commission consider that the level of investment and the significance of what's happening here for this phase as a precursor for what's going to follow. These phases represent two hundred million dollars of private equity investment into the site for five major projects and the, it's been a, it's a great question because we've been asked a lot. When can we expect the second thing, the second phase that would include housing? When are we going to be able to bring the next phases to the project? And the short answer is as soon as possible because we want to put the land to the highest and best use but it's been hard to leverage the projects that make the most sense on the site. But the hotel, the office are seen to be catalysts for what can happen, get positive additional positive activity and construction on site and make it more attractive for the next phases which hopefully include entertainment, housing to happen. These things can happen now. We have a plan in place to finance them and construct them. Once they're in, we'll start work immediately on the next phases. Speaking a little bit to the phasing and some of what we'll be talking about for the parking. There is no motivation on behalf of the developer to let the properties sit as temporary parking lots in perpetuity. It's very expensive land, its land that to use as temporary parking is very costly. To put vertical construction on there, to generate additional tax base is a benefit of the city. It's to the benefit of the developer, because that's going to free up more financing that's created by that vertical construction to go into the site. There's zero motivation on behalf of the developer to let the temporary conditions last one more minute as a temporary condition than they need to.

Ms. Porter- Thank you. I'm just trying to put it together in my mind so that I understand what I'm hearing, is because of the uncertainty of the phasing and the ultimate design parameters or elements that that you're not wanting, or the developer is maybe not wanting to go ahead with fencing and also the trees, is that kind of what I'm hearing?

Mike Hahm- Mr. Chair and commissioner Porter, if I can use that to pivot to our response on this variance specifically and then hopefully that will aid the discussion if that makes sense. So the variances requested are associated with the parking lot only. Again, we're not, we are planning to construct the office building concurrent to the parking lot and we're not, we are in need of zero variances right now for that office building. The staff is recommending variances 1 and 2 being approved, we totally appreciate that, and in the interest of brevity will be available for questions on those and

not speak to those. Staff is recommending against variances three and four. We believe they're in error for their findings one through four, really based on the requirement and the community expectations that the parking be temporary. That the surface parking lots be temporary. It was a very specific consideration of community and we have some folks here that will testify to that and the city council was insistent asking about when the next phases are going to come up, that we do not make permanent parking at this intersection of Snelling and University, where we've had such a high investment in transit and there are specific parking requirements for these blocks that limit permanent parking to, I think a total of 30 spots per block phase. So the two illustrations about why, that support the staff findings being in error. The first is that the very well maintained and well-functioning parking lots that are on C2 C1 and C2 that are, they're serving Allianz Field similarly until we can get vertical construction on those. Those sites do not have the trees or the buffering being requested or the fencing. It would be the developer's intent to develop, operate, and maintain the temporary parking to the same high level of standard of excellence and constructability and service that exist for those lots. But those conditions do not exist on those lots. They operate very well on game days. They are integrated fully with our event management plans that we work on with Saint Paul Police and Saint Paul Public Works. The second illustration of where we believe the staff's recommendation. Although it probably makes sense with the letter of what's here but doesn't match the overall reality of what we're trying to do is that the city's own construction practices for residential street vitality prohibit placement of trees by the Forestry Department on streets that are going to be reconstructed within five years. It's not thought to be an economic benefit. It's not thought to be environmentally responsible to plant a tree in a situation where the full expectation is we're going to come in as a community within five years and remove or damage that tree. So those are a couple illustrations. I believe you'll have discussion. We have some folks here that want to testify and we are, of course, available for any further questions.

Mr. Miller- Yeah, I guess it would help to just give us an idea of what this temporary interim parking is going to be used for. Is it going to be used for construction workers, is it going to use for tailgating, game days? Will people eventually in the office building, even though they would have parking, what are you envisioning here?

Mr. Clarksen- Can I go first and tag onto that before they answer?

Mr. Miller- Sure.

Mr. Clarksen- I'd be particularly interested in how it's going to be used when it's not game day or when it's not something going on at the immediate Allianz Site, because I'm interested in that part of it.

Mike Hahm- It's a great question. The parking is there only for and primarily to serve the office building. When there's additional density on site, there will be additional structured parking and capacity will be put in the additional structured parking to serve the office building. Without developing the adjacent block, it's not economically feasible to build structured parking until that additional density is built. So the parking will serve the office building. The underground parking is not sufficient to serve the office building. Why the developer is asking for the variance, as we're looking to finalize agreements with tenants and equity partners for investment in the building, an office building with no parking is not an attractive investment proposition for anybody considering locating their employees to the site. So we do need the interim parking until such a time that the rest of the block is built out and we can get that structured parking.

Carolyn Wolf- Mike is correct. The office building has approximately 60,000 square feet of leasable space. The 45 stalls below grade would not support the tenants that are projected to be within the office building. So, the surface lot will support the office until additional development can be made on that block which would include structured parking.

Mr. Miller- Could you point out where the structured parking will go on that?

Carolyn Wolf- It would be part of the overall development of B1. So we're still working through conceptual plans of what that would look like, but it would be integral to the development of B1.

Mike Hahm- Mr. Chair, to use block D, which is the hotel site, which is not in front of the commission today. The left hand side of D, that's the parking ramp for the hotel. The hotel is adjacent to it. Something similar would be incorporated into B, depending on what ends up happening there, whether it's entertainment or housing.

Mr. Benner II- Okay, Thank you. So it sounds like you need the interim parking in order to supplement the additional parking for the office use, right, because there's not going to be enough?

Mike Hahm- Correct. The whole plan, the developer's vision for the site is not to extend interim parking for one day more than is needed. The plan is to develop the rest of B1 and to incorporate structured parking in to B1 to serve what's being built at B1 and to serve the office building. That's the plan for the site. The realities of phasing, and that we can't make five hundred million dollars drop out of the sky. It requires that we need this as an interim step.

Mr. Diatta- I just have a question. So if the parking is temporary, has a study being done to determine that the tenants in the office building are not going to be using the light rail, or are not going to be using the bus line? Has a study been done to determine that, or?

Mike Hahm- Mr. Chair, and Mr. Diatta. The use of the entire site, the parking requirements that are there, everything that's contemplated, and the master plan does contemplate that transit use is a big part of the site and what's attractive about it, but especially for all of the uses and for the office building, in addition to transit, on-site parking is going to be required for employees that are using space.

Mr. Benner II- Okay. So the parking and office are proposed to be built concurrently, right? Is that my understanding? Okay. And so let's say we approve the variances today, the parking interim use permit gets submitted or gets approved and parking starts happening on the site and now we're just kind of in this waiting period and so until there is a lucrative deal or someone, I guess maybe that's not the best word, reasonable deal for someone to then purchase the interim parking lot and then build vertically, as I'm understanding, and that's where there's this kind of waiting period. We don't know when that's going to happen.

Mike Hahm- Mr. Chair and commissioner Benner II. The one correction I would say is that the developer that's building the office building has site control over the entire United Village. So I would not suggest, although it's possible, that they would be looking to sell off that portion, look for a development partner. I think they would be looking for a development partner to proceed with whatever is going to happen on that site. I don't think, I don't think, while it's possible, I don't think we're looking to chop up the site and develop it in parts.

Carolyn Wolf- Right, and to expand on that. It would still, under the development plan that was agreed upon in 2016, so there are still requirements of what can be built within the 20 acres that are yet to be developed. And one other thing to mention, the interim use permit for B1 has been approved by City Council. I believe it was back in September that was approved.

Mr. Clarksen- I'm not sure that, if I'm if I'm looking ahead of your question, it's less about who has control of the property at the time and who's going to be behind the development. It's when is it going to happen? Was that really your question?

Mr. Benner II- Thank you. It's really the understanding of, okay, great, we think the parking idea is great interim use, right, it's allowing something to function the meantime, however, we just don't know how long. Five years is kind of a long time. It's half a planning cycle, right? So like in terms of like how we review these things and how policies change. Policies were just updated to discourage this kind of use, right, particularly along the green line LRT, A line, all that, right? I think you all understand this in the room. So it's not, that's something investors, but it's just the uncertainty of when we expect development to begin? That's how development works, markets are volatile, right? So it's challenging to be like, oh we can allow this temporary use to go five years, it subjectively feels more than temporary. Five years is a long time. I think I don't know how the other commissioners feel about that, and so I think that's why we're challenged.

We're asking all these questions. So like just I mean, I think that's where we're having some challenges of like, we just don't have an idea of how long this temporary use is going to last.

Mike Hahm- Mr. Chair, Mr. Clarksen, commissioner Clarksen. I think they're great questions because you're getting caught up to the conversation we've had with Community for the last year and we've talked a lot about this and the shortest answer is phase two can't happen until phase one happens and after civil unrest and after taking a deep breath and figuring out what can we do. And a lot of stuff changed. And before covid we are talking about putting movie theaters on site here. That was going to be the entertainment aspect. Nobody's building a movie theater any place in the United States right now, so we had to figure out what can be done, and the colleges and universities are super excited and the community in general, super excited about the hotel. The developer has stepped forward and is leading the way with 15 million dollars of private equity investment for parks and public space, to make the area attractive. There's tenants that are ready to move into this office building and if it's built and then the restaurant concepts are something else that can bring people to the site. So I mean, while we can't talk with certainty about when the next phase is going to happen there. It's a discussion about housing, its discussion about the next phase is not possible until we get this investment there and people can start seeing what's possible on the rest of the block faces, but it's, they are great questions. We spent a lot of time talking to community and our partners about these things because there are aspects of the master plan, various aspects are more important than others to people and they, like most of us, people want it all.

Mr. Miller- One thing I was thinking maybe, there are members from the community here that are going to speak to this. Is that correct?

Mike Hahm- Yes.

Mr. Miller- Why don't we listen to them first and then we'll probably call you back because, I think, like you said, I was kind of catching up to the conversations you've had.

Ms. Porter- May I ask a question? It's sort of piggybacking from a little bit of what Mr. Benner said, but are there proposed incentives built into the development to ensure that this remains a TOD site? So, in other words that transit is being prominently, you know, an expectation, it's very prominent.

Carolyn Wolf- That is one of the requirements for the 2016 master plan is that it is transit-oriented. That is one of the focal points of the design. So ensuring that we have extra wide sidewalks and we have the bike racks and we have, we're making sure that we are supporting the transit that surrounds the super block

Ms. Porter- So that in itself, kind of speaks to the, okay, the goals.

Mike Hahm- Mr. Chair and commissioner Porter to question the question. My comments were incomplete. Part of this phase, if all these things are approved, part of this phase does include the developer constructing the street grid, that infrastructure below the street grid, the 15-foot wide sidewalks, and everything that connects this site to the TOD, so that that's a very important part of this phase that I did not highlight in my comments that, in addition to these buildings the community is getting, the street grid, 15 foot wide sidewalks, connectivity from that was anticipated in the master plan from the site out to the transit.

Mr. Miller- Okay. Yeah. Why don't you guys take a seat, and we'll clearly hear from you again. If there's anyone from the community who would like to speak in favor, please just step forward, and same thing, state your name and address and then to sign into that red book at some point.

Amanda Duerr- Amanda Duerr, I'm the Vice President of Government Affairs at the St. Paul Area Chamber and the chamber's addresses 401 Robert Street North, Suite 151, St Paul MN. I'm here today because the St. Paul Area Chamber has been strongly supportive of the United Village Development in all the major decisions that come before the City Council and our support continues today. Like Mr. Hahm talked about, due to pandemic, civil unrest, and market forces, the redevelopment of this property has really been a long time coming and we've got a site right now that's been underutilized and it's blighted and a proposal is before you to invest in the neighborhood in a really transformational

way and I know our partners at the Midway Chamber, as noted by in the staff report, are also very eager to see this development move forward. Allianz field is an award-winning facility and it's a destination for visitors from across the country and the globe, and the development team behind the stadium is the same team that's working on this project and is proposing really high-quality design for the rest of this super block and this will bring a new energy and vitality to the Midway neighborhood. The stadium certainly could have been built in the suburbs, but I think it's really important to note that the development team wanted to build it here and wanted to invest in this neighborhood and that's why we're here today, and from our perspective the variances that have been requested, both in the parking lot and the restaurant are really common sense and complementary to enhancing the overall experience and aesthetic that's being planned here in United Village. It's a unique site, as you can see, with being bordered by the interstate and the light rail on the other side and you know, a small block configuration. So of course, variances are going to be needed to make a development fit within this plan. And I think that's acknowledged in some of the staff recommendations. Specifically regarding the parking lot, the neighborhood, the district councils have been very clear that they don't want a permanent surface lot here. And it just seems like, why would we design a parking lot in a permanent way if it is going to be temporary? Requiring trees and other permanent features just seems unnecessary and wasteful when they're just going to be removed when the permanent structure is built. So the St. Paul Area Chamber today asks you to approve all of the variances being requested and thank you very much for your time. I can speak a little bit more narrowly when the next item is up. Thank you.

Rick Howden- Chair and Commissioners, Rick Howden, a project manager with the Saint Paul Port Authority. We too have been involved with this project since the beginning since before Allianz field was built and continue to remain a partner. Our role is primarily of an environmental project management scope, but wanted to echo our comments about having a new office building. Businesses are anxious and see this development occur. The community obviously is anxious for this as well. The restaurant pavilions are going to be adding to the neighborhood in the area with some additional benefits. Also, the major point that I want to talk about here today is we've managed to secure about one and a half million dollars to help clean up this site and do the earthwork for this development to occur. One of our grant agreements requires us to start that construction this year and so the development team has a contractor on site they've already started to do work on a Sculpture Plaza and for the playground and we just need to get these approvals buttoned up in order for us to move forward. So I just wanted you all to know about some of those realistic issues that we face as well as that one and a half million dollars also does not include former phase of Block B with office and residential. But we, and we've had to turn those grant dollars back and this may be our very last opportunity to have that grant funding available to clean up the site. So I just wanted to make you aware of that. I know it may or may not affect your decision, but it is an overall element of our projects in our confinement with getting this accomplished. So, happy to answer any questions.

Dean Cummings- Thank you commissioner. Again, Dean Cummings 1910 Marshall. Chair of the land use committee for Union Park District Council and board member of Union Park District Council. We have been happy to be working with Mr. Hahm and his organization. He comes to at least two meetings a month to interface with the community and discuss proposals, to take community input to take it under consideration. The district council is very excited and grateful to see development finally moving forward at this site. This site really is the heart of the Midway and we are very glad to see something happening there, especially in particular to this project. We're seeing commercial development that is something other than an apartment building, that probably has rents that are unaffordable for most of the people who live in the area, in terms of median income. It is also not just another restaurant reopening in a spot where a restaurant had previously closed. So we have new development. Nationwide, office space is in a surplus situation, but in the Midway area, office space is non-existent. So we are happy to see a new form of development taking place there. This we recognize as a district council. This particular parcel is a sort of a blank slate rather than something being inserted into a place where there's existing development and that there's exceptions that may need to be applied. And also trying to keep a holistic approach to the whole superblock site. When we look at that, the district council is, as mentioned, strongly against additional surface parking. We'd prefer none at all, but we're, the council is willing to make a concession in this case with an interim permit to make the office building a viable project. We don't want to

incentivize, even though we understand the statute says that improvements may not be used as justification for converting temporary parking into long-term parking, we do not want to provide any sort of incentive at all that the parking could be construed as a more permanent development. I guess you could say the district council would like parking brought up to sort of a minimum standard that is aesthetically pleasing but not too aesthetically pleasing. Something that will work. The general feeling of the District Council is that some of the developed features that are prescribed for this site go beyond what we would as a normal people would consider those to accompany temporary parking that's subject to the statute. We support all of the variances requested on this parking site and if there are any questions, I'd be happy to answer those. Otherwise, I will see you again on the next one.

Mr. Miller- Was there anyone else here from the public other than the applicants to speak in favor? Okay. Why don't you guys come back up quickly and answer a couple more questions. Is there anyone in opposition of this variance request? Is there anyone here from the public to speak in opposition? Not seeing anyone. I had two questions. Since it's not a place you can walk through easily, what is the rest of the site being used for right now? Like on our aerials, I see an old parking lot, but I don't know what the state of development is. How and what sort of earthwork has happened there already, what's the rest of this site being used for on the overall currently?

Carolyn Wolf- Crews are finishing up installation of playground equipment on this southwest corner of block G. That will be projected open this summer for the public's use. Block A1, as Rick noted, remediation. So remediation has started and the majority of that is complete and we are prepping to mobilize for the start of the sculpture plaza on A1. So that's the scope of work that has been done last fall through the winter and the spring. We are looking to start the site infrastructure that Mike mentioned, hopefully later this summer. And pending site plan approvals and permits, we'd like to start the vertical development of phase 1 as well.

Mr. Miller- Okay, and just since I haven't sorry, I haven't been to the site recently, the McDonald's, the liquor store, are those gone?

Carolyn Wolf- The McDonald's still exists, that is there and then there is a building right about here. Yeah, that is vacant currently and looking for demolition of that building this summer.

Mike Hahm- Mr. Chair, the McDonald's building has a lease that expires at the end of this year. So that's the last property. That's the last property that is, that will be required for site control for the developer on the entire site. The site control was not, at this time last year, the developer did not have site control the entire site. There were multiple landowners from the former buildings that were there destroyed during civil unrest. At the end of 2013, all of those transactions were completed kind of paving the way for what we're talking about now.

Carolyn Wolf- 2023.

Mike Hahm- 2023, thank you.

Mr. Miller- And since this previously basically was parking lot, is any of that being used for parking at all? Do people have access to these spaces say in E and F2. Is there, just from our aerial it just kind of looks like a bunch of parking lots right now.

Carolyn Wolf- I do not believe it's utilized for parking currently.

Mike Hahm- If you're out there on a game day, there are some areas that are accessed for parking. But the most of it you would walk through. That is because the Port Authority, in Mr. Howden's point, the majority of the site is in need of cleanup and environmental cleanup. But there's some heavy cleanup work that needs to be done on all of the development parcels. And so we're anxious to get that started.

Mr. Miller- What separates, right now, this whole space from Snelling? Do I see fencing? Is there something on site currently?

Carolyn Wolf- There isn't anything on site with the exception of, there's some fencing around the playground just for public safety being that it is under construction currently. There, I think. We had some fencing up around the area in which the soil remediation took place last fall, but that has been removed.

Mr. Miller- Okay.

Mike Hahm- The community was, when it was, the property was in in other ownership, the community was really excited to get the fencing down and the problems associated with it removed.

Mr. Miller- One more. What's the, what's the master plan calling for structured parking once this is all 100% complete. Could you let me know what the plan is?

Mike Hahm- I'd have to get back to you on what it calls for structured parking. It has, the master plan has very specific requirements, to commissioner Porter's question, about bike/ped access, the street grid and the width of the sidewalk. Which this phase will implement. The project or the master plan either the master plan or city ordinance, I get confused, does have a limitation of the total amount of parking that can, surface parking that can exist when blocks are developed to their full potential. I believe that's there a maximum of its like 30. It's like yeah, like 20 to 30 maximum surface parking spots per parcel. So the rest of the parking that will be required to serve those parcels has to be done in a structured way. If you look at, if we're looking at block D where the hotel is being developed, there's a service drive that facilitates valet and drop off and the rest of the parking on the site is structured parking in the ramp.

Mr. Miller- David, can you tell me where the screening, that fencing is being required. Is it just along the Snelling side or is it, that's it? I can't read that that's, is that Spruce Tree?

Mr. Eide- Chair Miller, board members, it would be along all street frontages. There are three, so the north, the west and the south.

Mr. Miller- Do those streets exist?

Mr. Eide- Now the South does, I don't think the north one does, Spruce Tree, I don't think that exists yet, but this Shields does and then Snelling does.

Mr. Benner II- Question for staff, particularly Mr. Diatta. Is there anything in the zoning code in terms of temporary, a definition for interim use permits or how these should be looked at, is this off-street parking or reference that at all?

Mr. Diatta- Chair, Mr. Benner. The challenge is that the zoning code does not make a differentiation between temporary parking and permanent parking. So the rules for permanent parking apply and that's why we have the challenge. Maybe we ought to look at if parking, if it is temporary, have some standards that do not apply when it's not permanent. So there's no differentiation. Parking is parking. The other piece of it is I'm going to throw into the conversation so we can think about it is this is a T district which a pedestrian friendly district. Meaning you're walking or transit. What is being requested is parking for drivers. Sort of, how do you balance that out when it is just temporary?

Mr. Benner II- I'm a bit and that's where, you know, staff, the first two variances to us seem pretty practical. At least I'll speak for myself, seem really practical, that's probably why staff recommended approval. Those last two, they recommended denial, right? So that to us tells us that there isn't, this may not be the best mechanism to make this decision. And so part of the reason I asked that question is terms of like how do how should we look at this? And if we're looking at this as a permanent parking facility, that's all we have to look at it as, that makes our decision super challenging and to make, to find findings to make this work, I don't have the answer in the moment, but maybe I'll come up with something but it doesn't feel that it's, from a policy perspective. It doesn't make sense. I think from a practical standpoint, it absolutely makes sense.

Mr. Clarksen- I took a lot of notes while you guys were talking and I don't have a good way to sort them out into questions, so I apologize. I'm going to try to not scatter through this but it's interesting to me. Say that it makes a difference. I think unfortunately in some respects it makes it kind of easy. We don't have the mechanism before us to

counter the staff recommendation if that's what we might be interested in doing. You know, I'm a transit user, I take the Green Line to the capitol frequently. I don't do it every day like I used to. Maybe this is a place to ask a question. I've been thinking about for a while, and you touched on this. You mentioned site control and taking like real ownership of the site at the corner of Snelling and University where the sculpture garden is going to go. And I have to admit I haven't been by there tons of times lately and usually when I do, I don't look at that site because it's an eyesore and I would stand and I have a pretty good threshold for the kinds of things that you see when you ride public transit, especially these days, and I was uncomfortable in that environment. And if I am, then my wife and my kids are. A lot of the people in this community probably are as well. And that, to me, says a lot about what sort of pedestrian environment we should be thinking about creating in probably one of the most critical development areas in the entire city and you could argue the metro area or the state and so that to me is a really important concern and it gets to maintenance and upkeep in control and you talked about that, Mike. I know you have a long history in public service, and I don't, I don't question your motivations, but what I do have trouble with is understanding the limits of what we actually control and you talked about the market tanking and now we had this great idea to build a movie theater and who's going to go to a show. And that I heard you say that, and then I thought to myself, so what is the guarantee that we have that gives us the confidence we're looking for to say, yeah, we shouldn't plant these spaces alongside Snelling Avenue, along these two new streets because it's all going to go away in three years. Like I have absolutely nothing that I feel like I can bank on for that and I wish I didn't feel that way because I'd like to approve them. But I also know that I plan to go to the capital for the next 10, 15, 20 years of working there and I'm going to get there on the Green Line, and I don't want to have to stand there and look at that environment the way it's been for the last few years, and to me, the one thing that helps that not feel so icky is having a pedestrian scale environment and one that's maintained and cleaned and it just hasn't been, and I'm sorry, it's really troubling for me. So, find a question in there. I'm sorry about that. But I guess I'm curious, you know, when did when did your group take control of the site? What's been the recent history with maintenance? And maybe I haven't been as exposed to it lately because I haven't been going to the office as much as the last few months, but how does that change? It seems like there was a break in there that you referred to so I'm curious about that.

Mike Hahm- Mr. Chair, commissioner Clarksen. I do appreciate the questions. I'll hit on the big ones. The first one, to get to the matter at hand before the commission. We believe the staff in making their findings, erred by not recognizing the temporary nature of that and that it is, that the plight of the landowner is great and the practical different difficulties of what we're trying to are unreasonable because it's temporary. And I cited the examples of what is next to it with the existing lots and C1 and C2 and also cite the standard for how the city deals with the tree planting on residential street vitality programs. In terms of what we are doing on the site, I get the challenge. Even in a room of very informed people like this, that it's like, how do we how can we predict what's going to happen next? And what's going to happen on the site? It's a conversation that we've been having for the last two years out in community. I will restate, because I think it's the best way to respond to this that what we do know is that this is a very large site and we have the opportunity to invest 200 million dollars of private equity and five projects plus. In fact, if you count the public infrastructure, six projects on the site that will happen starting this year to start to bring that site to life and make what's going to happen on the rest of the block possible. Without these approvals, the projects will not happen and the blight that people see and the project conditions that are there now, I think we will do a better job of keeping it tidy, but nothing's going to happen on that site, and this site that's been challenged for so long will continue to be challenged, and it's been a real great conversation that I've been able to have with community over the last couple of years because it's brought people around to being neutral to being supportive, from being not supportive to being neutral, to being supportive. That we want to see progress that this makes sense in this does get to those things. For folks that are on the CLUED (Union Park Committee on Land Use and Economic Development) committee that are also on transportation, those folks are transportation advocates. We've had the discussion that well, the Green Line is there, Interstate 94 and Snelling are also on two sides of this site and people are, even if 50% of the people that come to Allianz field or to the office building or to the restaurant. Even if 50% come by transit, 50% still are going to come by automobiles and we need to have facilities to deal with them temporarily and the structured parking that the community asks, the community vision for structured parking and lack of surface parking has. So I mean, it's to the general point of the question. That is why we're here and

what we're doing and it's why the development team and our developer can say with very much sincerity and earnestness that we don't, we don't think we're asking for a great deal with these variances, that for something of this scale, and this ambition that were asking for a few things to make a very large investment on a very important property happen. So it's like, I do I do appreciate it and we're hoping, especially considering the previous approvals we've received from other public bodies, including the city council for the variances of the buildings, that we can get the approvals we need here today. We've had a couple hiccups in process along the way, and not limited or not being able to meet two weeks ago, but it's like we're very anxious to get going. We need to do the environmental cleanup and we need to meet the meet the deadlines for cleaning up the property and some of the TIF financing that we have requires that we are built by a time certain and we would appreciate if you're on the fence and could go either way, we would really appreciate the consideration to take this on and get it done. I know there's been other projects that have happened and in essentially this neighborhood that that the community has been opposed to, and it's been harder to gain approvals. I'm enthusiastic to have community standing by our side, from residents as well as the business community that understands that this is the right thing to do. So, I really ask your indulgence and in making those findings.

Mr. Schweitzer- Mr. Hahm, I want to make sure I heard you correctly, are you, we've had a lot of speakers, yourself and people from the community organizations and the City Port Authority come and sling a lot of large numbers about the amount of money going into this project and, I'm not sure I heard you correctly. Are you saying that if you aren't allowed to build this parking lot with no trees it is going to tank the project?

Mike Hahm- Mr. Chair and commissioner Schweitzer. What I'm saying is without with without all six elements of the project that we don't, we don't have a vision or a path to bring the project forward, that we need all six elements to go forward. The hotel will not happen without the office building. The restaurant will not happen without the office building and the hotel, and the infrastructure will not happen without all three elements.

Mr. Schweitzer- Mr. Hahm, that is not exactly responsive to my question. Because we're not discussing whether or not you get a parking lot. Nobody is arguing that a parking lot is an appropriate spot or appropriate part of this project. The question we're discussing is whether you're going to be allowed to build a parking lot that has no trees and that has no landscaping on the border. So I think I just heard you say that unless the variances that you're requesting are approved, there is going to be no parking lot and there is not going to be an office building. Is that what you're saying to us?

Mike Hahm- Mr. Chair, commissioner Schweitzer, in some ways, yes, and I do not want to hold that as a as a threatening statement. As a reality of where we're at in terms of process, if the variances aren't granted, we have to contemplate appealing or not. And the time the project will face, the time elements that are, that that will impose on the project. Investors on the project will also see that as a message in terms of support or not and it will delay or impact our ability to secure the equity partners to it. So it's all very interrelated. I meant it as a time element and a consideration for all the things we're trying to bring together on timelines that are not of your doing. They are timelines that are of other folks doing but all of those considerations are very real and we're trying to bring all of the elements together for all six elements of this phase and I can, I've spoken to community about it. So I feel comfortable representing it to this commission. If all of those elements do not come together concurrently. Or until approvals are there for all the elements, the individual elements cannot happen, so that's more of what I'm saying.

Ms. Dayton- What was the cost to your developer to comply with the zoning code for specifically B1?

Carolyn Wolf- Approximately 150,000 dollars.

Mr. Miller- Fencing and trees?

Carolyn Wolf- That's not including cost to remove the fencing and trees, it would just be the installation of what's required by the zoning code.

Mr. Clarksen- So we're talking about, this was actually going to be a question I wanted to ask well, thank you, so we're talking about essentially a hundred fifty thousand dollars and how many millions did you say? This project is valued at collectively?

Mr. Hahm- The number I've been using is 220.

Mr. Clarksen- 220, I believe. You have any idea what the percentage of that is? Like about an eighth of a percent. That's too bad.

Mr. Miller- So I guess what I'd like to say is it's what I'm hearing is that the sequencing on this project is important. We're not here to decide if they're getting temporary parking. That's been approved. So yeah, so temporary surface parking is not a part of the master plan and it's not going to be and that got approved above our heads. The fact that if we put in fencing and put in trees, we're making temporary parking look a lot more permanent. I can kind of go either way on that. The fencing, I'm concerned that there could be a security sort of safety issue between Snelling and a parking lot. But also it seems kind of silly to me too, it's just kind of this isolated little pocket where there's not going to be any landscaping or fencing between Snelling on this side of B1. And there's going to be nothing on this side of B1, you just kind of have this little fence stuck in the middle of nowhere, you know. I'm not sure that it serves what it's supposed to be serving either. In terms of staging of this whole project though, I don't believe that you would, if we pass the other ones, you move forward with the project. Trees and landscaping aren't going to go in for 18 months. So you would have plenty of time to appeal those decisions and you have plenty of time to do it. In a nutshell, what are your thoughts on that? And those would be the last things to go in, right?

Mr. Hahm- I think, Mr. Chair, I think what you laid out makes it a lot of makes a lot of sense in terms of what our options are. I think from our perspective, the requirements, how it relates to the parking and the lots that are already there, how the site works, the site functions, as you suggested and the city's on standard doesn't make a lot of sense to us and I, the one comment, I appreciate the commentary on money and impact to the project. I will again suggest as an assurance of quality and what we're trying to do. We're not here trying to avoid investment or avoid quality. The existing Allianz Field and the area around it is award-winning and it is the best property on that corridor in terms of appearance, its maintenance, its design standard. We're looking to carry through and carry forward that same standard another 50 feet North on Snelling Avenue. That's what we're trying to do.

Mr. Benner II- Staff, can you please pull up the findings? There's a really nice finding slide you had, where it says what was met, what wasn't met and I think just for the sake of time in this really robust conversation we're having, you know, maybe that we decide motions on the first couple, and then, because I'm not sure if we're all in agreement with staff's decision on that one, but I'd be willing to make motions on the first two, just so we can get those out of the way and then maybe we can have some conversation about what three and four look like.

Mr. Eide- You want the first two?

Mr. Benner II- Let's see. I'll maybe start with the first one and work our way down.

Mr. Miller- We need to close. Okay, so I think we're ready to, you guys can have a seat. Okay with that, we'll close the public portion of the hearing and open this up for a discussion or motions. So, can we vote on each individually?

Mr. Ladd- Yeah, that's what I'd do.

Ms. Porter- I thought it was like all or nothing. Can we take them individually?

Mr. Miller- I don't think so.

Mr. Ladd- What was the question?

Mr. Miller- All or nothing. Because there are four variance requests. I think that we can vote on these all individually.

Mr. Benner II- Because there are four variance requests, and I think we can vote on them separately because they are kind of reliant on each other, right? Can't get the parking lot without the trees right?

Mr. Miller- Yeah, if Mr. Ladd agrees that we can do them separately.

Mr. Ladd- Yeah, it's a lot cleaner to do it that way.

Mr. Miller- If you're ready, Mr. Benner, go ahead.

Mr. Benner II- But in light of the first variance for, I believe this is the linear frontage. Yes, based on staff's recommendation. I like to move approval of the **First Variance**.

Mr. Schweitzer- Second.

Mr. Miller- Roll call please.

Ms. Linston- Porter- (Yes.) Clarksen- (Yes.) Dayton- (Yes.) Benner II- (Yes.) Schweitzer- (Yes.) Miller- (Yes.)

Mr. Miller- Variance number one regarding linear footage has been approved 6-0.

Mr. Miller- The second variance, Mr. Benner II please.

Mr. Benner II- Based on findings one through six as recommended by staff I'd like to move approval of the variance number two for the Eastern property line setback.

Ms. Dayton- Second.

Mr. Miller- Roll call.

Ms. Linston – Porter- (Yes.) Clarksen- (I'm going to say no.) Schweitzer- (Yes.) Benner II- (Yes.) Dayton- (Yes.) and Miller- (Yes.)

Mr. Miller- Number two in regard to the Eastern property line setback has been approved 5-1.

Mr. Miller- And then we can pull up variance three, please.

Mr. Benner II- In light of variance number three for the screening of the Landscaping, I believe staff erred in their first finding. I think that 60.103 of the zoning code to conserve and improve property values is a finding that could be met for number one. I think staff are in error in their decision on this finding too. I think policy T-32 of the comp plan states that to accommodate access to community events and around construction projects by all mode users including working with Metro Transit for additional services, providing sufficient bike parking, avoiding the closure of bicycle lanes and sidewalks and providing detours for all modes is finding that could be consistent with the comprehensive plan because we're staggering parking and it considers modes. And I think for finding three, the difficulty is that this is a very unique site as the applicants describe. That there are, this is more an interior facing development rather than facing the street. So it has different dynamics of how it functions and I think because of that physical nature of the site, that poses practical difficulties that this parking lot should not be created with the idea of having green space. It's because it's difficult to sustain green space for a longer period of time, given the temporary nature of the site. For finding four, this is unique in the sense that this one particular parcel is a part of a larger superblock development. I believe that is unique in the sense that it is a temporary use in a larger development that is going to be phased out. And for that I think that makes this project unique for the temporary nature of the parking. And the last two findings are met so based on those findings I would like to counter the staff decision and recommend approval of the variance.

Mr. Schweitzer- I'd like to speak against the motion. There's an awful lot to say about what we've heard here today. I want to take it point by point. The distinction between temporary and permanent I think is almost spurious at this point and as we've talked about, five years is already a very long period of time for something that big called temporary and we have no guarantee. Of course with market conditions. I have no doubt in the good faith plans of the developer. My

doubts are in the forthcoming market conditions over the next five years. Five years ago, we were just rolling into the beginnings of the pandemic. A lot happens in five years. In the next five years, who knows, bird flu pandemic, war with China, there's all kinds of things that could occur that would that could cause the office space market to further tank and further be suppressed and they never fill up the building. That the planning, they never start building the building that they're talking about putting one this lot and the parking lot stays for the foreseeable future. We could see the professional soccer league collapse in five years' time due to another pandemic. I think there's a lot of unknowns here. I don't want us betting on putting an unimproved parking lot in a space that is already in an area that is already had unimproved parking lots and nothing else for 50-odd years and I feel very strongly that this exact scenario is why we have these requirements and we should, I think, hold firm on enforcing the requirements in this case. To address another point that Mr. Hahm and the developers have made, I just don't see credibly as you remarked, Mr. Chair that forcing them to actually adhere to basic standards for what a parking lot consists of in this town is something that is a threat to the overall progress of the project. And frankly I want to say at this point, I'm disappointed in the Chamber of Commerce. I'm disappointed in the Port Authority that they drank the Kool-Aid and said, oh it's a temporary thing. It's all right. It's this whole situation is oriented on the stadium. But that doesn't seem to the impact on the passers-by. That doesn't change the impact on Snelling. We can call it oriented towards the stadium and oriented towards the Great Lawn area until the sun comes down, right. But that doesn't change the fact that this parking lot is situated on Snelling. It's facing the, I think the one or two, one of the two biggest traffic intersections for transit, for pedestrian traffic. In a very dense and disadvantaged neighborhood and all of those are excellent reasons why we need to sustain and support the requirement to keep this parking lot to basic standards of attractiveness. And on that point, I want to wrap up by saying Mr. Hahm and the developers have made a huge point of talking about how committed they are to excellence and aesthetic design and all the while they're going all in on a parking lot that is going to be a reflection of the worst things that that have occupied this space for the last 50 years. Thank you.

Ms. Dayton- Okay, I'd like to speak in favor of the motion. The decision to make it a parking lot has already happened. So we're debating on a decision that was made above our heads. This is how it's going to happen. It's just a matter of how it happens and it's not about 150,000 dollars. It's about the materials that are going to go into making this a space and then ripped out five years later. I don't support that at all. It's wasteful. It's silly. This is already happening, and the decision has already been made for us and I am in full support of the motion that Mr. Benner made.

Mr. Porter- You go ahead. Just to piggyback, I'd like to speak in favor as well. I don't think you can put a price tag on perception, right, in terms of what the community feels. If we go ahead with a temporary parking lot and I think the community sees that again, for them. It's like well, here we go again, right? And so I'm really optimistic about what can be, you know, future development. And again, you can't you can't put a price tag on perceptions and I think that's where the community is coming from, if they see something going up like that. They're going to think well, you know, then that's what it's going to be, and not really think about the future development. So I think the folks that came before, I think they are representing the community. And I think they represented them well.

Mr. Clarksen- Thank you. This is really hard. I want to say yes to your variance request. I'm really struggling with it. While you were talking, I'm looking at you know, the Light Rail station. It's telling, but I was panning around on the street and I can see the quality in the investment in the parking lots on what is it C and D or whatever the right next to the stadium on Snelling. So they look great. So you go and you build this parking lot in front of the of the proposed office building and let's say everything goes great, according to the plan. Within five years, there's an office building there and they're using the parking. That's nice. But in those five years, I'm still I'm still walking by this site. I'm still experiencing the parking lot. And what's to say that even if the office building thrives, something else doesn't happen and the market for the other elements of development tanks, and now we're stuck with a surface parking lot and we've granted variances to create a pedestrian environment that's unfriendly and that goes against everything that I as a transportation planner and a land use planner for 20 years have practiced. I don't want to do that. I can't do that in good faith. You can't tell me that is it, a 220 million dollar investment, and this is peanuts. But when you also tell me that this is an inward facing development and everything is about looking into that little park that we're going to build in there. That's great. But that also says you turned your back on Snelling and University and I don't think that's your intention. But that's my

experience. I'm not going in there. I don't go to soccer games. So it's great that the people who are my friends who live in Willmar and have relatives who come from South America want to park in front of my house over between Prior and Cleveland five or six blocks away because they want to go to the games, but I don't go to him. I don't see any benefit from that, but I do see the experience of taking transit and walking and biking in this environment. It's terrible, and I'm really concerned that even if all the things you're talking about go well in the sequencing, this is still a possible community failure and I can't support that, so I will be voting no.

Mr. Miller- Question for staff, quickly. Just to refresh. Who provided the temporary the interim parking. Who's that provided by?

Mr. Eide- Chair Miller, board members. The City Council approved interim use permit for the interim parking lot. It is the left one right here.

Mr. Diatta- Chair, commissioner Benner. I just wanted to say that, so the difference between interim use permit and a variance is the duration. An interim use is a date certain by which to start and the date certain by which it ends. Variances go with the land, so just think about that.

Mr. Benner II- Sure. Thank you. You made me think about a condition that I wanted to add. Can I make an amendment, is that too late?

Mr. Miller- You're a maker of the motion. We'll have to give Dayton a chance to respond.

Mr. Benner II- Oh, yeah, I got you. Okay. Yeah. So in terms of, you know, given that that zoning variances stay with the land and the interim use permit is on a temporary basis, I think it would be wise if we included the condition that if after the five-year period and any subsequent extensions of that, could we impose conditions that say that the site has to be retrofitted to include the conditions of the variance that we're looking at today. Like is there, how do we, is there a way to do that, to condition the variance, so if they come back and nothing's happened in 5 years and they get an extension. What can we do to make sure it goes back. Let me take a pause. Regardless of what we decide today, it's going to stay a parking lot. It is going to continue to look the way the exact you described it. Okay. I'm here. I'm with you. But if we don't do anything, it's going to stay the same way, right? And so, and to your point, earlier you said this was easy to overturn but you can't you to make any motions to do so that.

Mr. Clarksen- I wasn't saying it was easy to overturn, I was trying to say it was easier to go with the recommendation of staff.

Mr. Benner II- Gotcha, ok. And that case I still think I would still like to keep my motion. But with the condition though, that's right some help, Mr. Ladd

Mr. Ladd- To have a condition that after five years or at the end of the interim permit that they would have to come back?

Mr. Diatta- Unless I'm wrong, you cannot put a sunset on the variance. Variances go with the land, they run with the land for perpetuity.

Mr. Benner II- What about conditions, let's say, someone built the garage need to put gutters and downspouts. They don't do it. Then what?

Mr. Diatta- When they do that, they violate the condition, we will bring him back to the Board because there is a stipulation in the zoning code that says when conditions are violated you bring about to board that made the conditions. But I do not think we can sunset variances.

Mr. Miller- Could we could we change the timing of when this condition needs to be met? Could we say that they have five years to meet this condition?

Mr. Diatta- Yeah.

Mr. Miller- Does that accomplish what you're thinking if it stays a permanent parking lot?

Ms. Dayton- I think these time constraints are superfluous to what we're actually talking about here, which is that it is a parking lot, and I don't disagree with your anger here at certain groups of people that have signed on to this and that have already allowed it to happen, but it is going to become a parking lot. So these time constraints are silly and superfluous to what we're actually talking about here. And if we want to say that it's a community failure, that this thing is going in, that failure lives with the city council, not with this group of people that is that is kind of a second step in the process to say these are the things that have to happen, and they're going to put in nineteen trees that they're going to rip out five years later and fences and a bunch of stuff that's going to go into a landfill and die. It's it makes no sense. This is a good motion. We found the ways that it can go through, and again, if this is a community failure, that lives with the city council, not with us. Not with this body.

Mr. Benner II- I'll rescind my condition.

Mr. Miller- Ok, the motion is as stated by Benner and seconded by Dayton. Roll call?

Ms. Linston- Clarksen- (No.) Schweitzer- (No.) Porter- (A resounding Yes.) Dayton- (Yes.) Benner II- (Yes.) and Miller- (Yes.)

Mr. Miller- The condition number three, variance number three regarding screening has been approved 4-0.

Mr. Miller- Variance number four.

Mr. Benner II- I like to say the exact same findings are the same. I'll just go ahead and repeat them for number four for the shade trees in and around the lot. I believe staff erred in their decision. I think 60.103 applies to conserve and improve property values. I think finding two in relation to the comprehensive plan, access to community events is met. I think number three in terms of practical difficulties stated by commissioner Dayton, that it is unsustainable, or it is bad sustainability practice to plant trees for only for their inevitable removal within a short period of time, given the temporary use of this. That is a practical difficulty was not created by the landowner. I think the unique circumstance is that this is a super block meant to accommodate several developments as a part of one larger development. And yes, that's met. And so with that said, I would like to go against staff's recommendation and approve of the variance with those findings one to six.

Ms. Dayton- Second.

Mr. Miller- Okay, any additional discussion? Roll call, Maxine.

Ms. Linston- Schweitzer- (No.) Clarksen- (No.) Porter- (Yes.) Dayton- (Yes.) Benner II- (Yes.) and Miller- (Yes.)

Mr. Miller- Variance request number four has been approved regarding the shade trees. Approved 4-2.

Mr. Miller- I just have one comment. I know that if things don't go as planned which its construction, they often don't, there's nothing stopping the developer from putting in shade trees or responding to the requests of the community regarding screening and safety and fencing if something doesn't go right the way they planned. They are certainly allowed to but not required to then respond to the needs of community.

Moved by: Benner II / Second by: Schweitzer

Variance 1-Approved 6-0

Moved by: Benner II / Second by: Dayton

Variance 2-Approved 5-1

Moved by: Benner II / Second by: Dayton

Variance 3-Approved 4-2

Moved by: Benner II / Second by: Dayton

Variance 4-Approved 4-2

1566 University Avenue West: Chair Miller- I need to log in again. Can you read the purpose statement, Mr. Eide?

Mr. Eide- Chair Miller and board members, David Eide with the Department of Safety & Inspections again. The purpose statement for 1566 University Avenue West. City Council resolution, 23-1442 requires that all new commercial buildings have window and door openings that comprise at least 30% of area around the ground floor along the street facing facades for the northern building 19.6% and 22 22.3% are proposed on the Northern and Eastern facades for variances of ten point four and seven point seven percent respectively for the southern building 15.1% is open is proposed on the heath Eastern facade for a zoning variance of 14.9% and the second one city council resolution 23-1442. Two requires that all buildings have primary pedestrian building entrances on street spacing facades. No primary pedestrian building entrances are proposed on the Northern and Eastern facades of the northern building nor on the Eastern facade of the Southern building for variances of this requirement. And I'll get into the staff report. So the master plan, this is where those requirements are coming from. So I put those in here because it's kind of unusual that we would be varying those. There is precedence for varying those at the Planning Commission. So this is the site here. It's to the east of the park that we've been talking about, so currently it's a vacant property. To the north is where the hotel is proposed. You saw in some of the other renderings to the east is a vacant lot surface parking. South the stadium. And then to the West is that park, The Great Lawn, and then the proposed office building there were my cursor is. So here's the plan that we've all seen. Here are the both eastern facades. And then the north facade of the north building. So there's two buildings with a pedestrian walkway between them. So I was just going to show kind of the building. This is if you're looking towards the east into the buildings. Basically, you're standing in the park because they're oriented towards that Great Lawn. This is what you would see on the top here and this is the South facade if you're standing on, I think it's a Shields looking North. And then this is the north elevation of the north building if you're standing on Spruce Tree looking to the South, this is what's proposed. And then this is would be what you see if you're in that pedestrian walkway between the buildings. Facing north looking at the northern building. So here's what it is, the proposal looks like. If you're looking from the park because they're orienting, their patios are oriented towards the park. So just some renderings. So and then this is a drawing that the applicant provided showing where they planned to place murals on the Eastern facades. All right, so to get into the actual variance, the first one regarding the window door opening request, and there's some more history and discussion in your packets. So finding number one. Why don't I get into this, so for the northern building, I split this up because I'm recommending approval of the variance request on both eastern facades and then denial of the window opening request on the northern facade and I'll get into that here. So the applicant submitted drawings that show what percent is proposed on each facade. You can see the eastern facades for both buildings and then the northern facade. So these are the three window door opening requests that they're requesting. On the both eastern facades, they're proposing a mural to kind of make up for the lack of windows. This is not the exact mural. I don't think it's been decided yet. And then this is just kind of a site plan showing what the proposal is for the two restaurant buildings. This is the north building split out. So the South facade of the north building doesn't need to meet that requirement because it's facing the interior of the site along with the west elevation. You can see that the west elevation is almost entirely windows. This requirement applies to only the street facing facades. And then this is the southern building so you can see the western elevation has plenty of windows because it's facing that park. And then the south of elevation facing Shields does meet the requirement too. So regarding both of the Eastern facades, I've pulled those out separately. I'll get into the findings on those window and door openings. They help break up the building facades and add interest and vibrancy it street level, enhance the pedestrian environment and experience. Part of the Spruce Tree Avenue on the Northern side is lined with a covered patio which adds to vibrancy at street level to mitigate the effects of fewer windows on that façade, regarding finding number one. However, a variance to allow fewer window and door openings on the eastern files facades without any conditions is not harmony with the general purposes and intent of the zoning code to have development that reflects the character and urban design of St. Paul's existing traditional neighborhoods. The applicant has taken a step to mitigate the effects of the variance on the Eastern facades in the elevation submitted. You saw the artistic murals. Provided that the applicant installs visually interesting features such as the ones shown or something acceptable to the Zoning Administrator on the Eastern facades, the variance can be in harmony with the general purposes and intent of the zoning code. That finding was met. Finding two. Given that the pedestrian nature of the overall site being uniquely focused around the Great Lawn and provided that a visually interesting feature or provided that visually interesting feature is installed on both of these eastern facades, that finding was met for number

2 regarding the comprehensive plan. Number three regarding practical difficulties, three street frontages along with the Great Lawn on the western side of the site create practical difficulties in complying with the requirement to provide 30% on both of the Eastern facades, as the buildings are focused towards the Great Lawn. This creates difficulties in placing back-of-house areas of these restaurant buildings and accordingly creates difficulties with minimum door and window openings on the Eastern facade. So for both Eastern facades that was met. For the plight of the landowner, very similar. Due to the unique nature of the development oriented towards the Great Lawn and frontages on each side. And then finding five regarding uses. Restaurants are permitted in the T4M zone, so that's less complicated than the last case. There's no interim use permit needed for that. And then number six regarding the essential character, these one story buildings actually have an exemption in the master plan for it to have less floor area ratio than required. So that is that is acceptable. So that was met. So staff recommend overall approval of both of the variance requests on the Eastern side of these buildings. Regarding the northern façade, staff recommend denial based upon findings 3 and 4 which is, you know, practical difficulties and circumstances unique to the property. We believe, staff believe that there are opportunities to increase the window percentage to meet the requirement on the northern façade, given that the uses in the building along the northern facade are primarily the dining room and serving area and then regarding the plight of the landowner, it seems to be self-created as the zoning code does not prohibit windows in the serving area. So I have a diagram showing, this is the proposed layout. You can see that, I'm sorry, my cursor on my screen. This is the exterior patio. Here's the internal dining area. This is like a serving area. And then this is the back of house. I lined up the façade. This blue box is what would be needed to comply with the window requirement on this northern elevation facing Spruce Tree. So, let me see if that's it for that. So that's regarding the above grade openings. Should I continue to the next variance request regarding pedestrian entrances or pause to ask a quick question?

Mr. Clarksen- Why use the term above grade openings. Are there below grade openings?

Mr. Eide- Chair Miller, board member Clarksen. I suppose that's how the codes written, so I try to align my staff reports with how the code is written.

Mr. Clarksen- I figured there was a thoughtful answer.

Mr. Miller- And I tried to organize a substitute, but I can't stay any longer. Mr. Benner, welcome. Sorry about that. Thank you.

Mr. Miller exited the meeting and Vice-Chair Benner II chaired the next portion of the meeting.

Mr. Eide- Any board members have questions about the above grade opening requirement and the variances, or do you want me to move on to the second chance?

Mr. Benner II- Just one question, David, in terms of, can we talk about what the what the material is or like? Yeah, I mean, maybe they happen can address that too. But I'm just trying to get an idea of like what kind of exterior wall we are looking at if it not going to be windows.

Mr. Eide- Mr. Benner, I think that some of these graphics kind of show, likely some type of a stone cladding. Maybe it's some type of a cast material. I'm think the applicant might be able to speak to that better, but it's, kind of, the renderings kind of show it.

Mr. Benner II- Does this elevation face the street?

Mr. Eide- The northern facade is what you would see from Spruce Tree here. This is what you would see from. This is the Facing East. So these are the ones I was recommending approval of just because they have the kitchen area along this side.

Mr. Benner II- Sure. Yeah. Okay. Thanks.

Mr. Eide- Any other questions?

Mr. Eide- All right, moving on to the variance request number two regarding the primary pedestrian entrances. So in the master plan, it has kind of a steep requirement. You have to have a primary pedestrian entrance along every street. So that means for this site you would need to have on the north side, east side, and south side. So regarding both of the Eastern facades, getting into the findings for that. The door openings help break up the facade similar to Windows. The buildings are, I'm reading finding one regarding the variance being in harmony with the general purposes and intent of the zoning code. Although the doors are proposed on all facades of both buildings. They do have staff entrances and service entrances on the Eastern façade. Those do not fulfill the primary pedestrian entrance requirement. Both of the buildings are situated on a unique site that's oriented towards the Great Lawn. Provided that visual features such as a mural or other design acceptable to the Zoning Administrator is installed on the Eastern facades, the development is in harmony with the general purposes intent of the zoning code. So that finding was met. Regarding the comprehensive plan. LU-9 supports high quality urban design. LU-10 activating streetscapes. LU-28 supports pedestrian friendly streetscapes and visual interest through commercial building design. This is unique development orientated towards the Great Lawn. A pedestrian only path allows access to the two buildings, between them and a pedestrian only path lines the buildings to the West along the Great Lawn. The overall nature of the development is consistent with the comprehensive plan. Regarding practical difficulties, the overall orientation of the buildings and the dining areas oriented towards the Great Lawn, back of house on the Eastern side, along with the fact that public streets about the property on three sides, that creates practical difficulties in providing entrances on the Eastern facades of both buildings. So that finding was met for the Eastern facades. Regarding the plight of the landowner, the unique nature of this three street frontages, as you've heard these things. So that was meant for the circumstances unique to the property. Regarding uses. Like I said, a restaurant is permitted. It won't alter the essential character. So staff recommend approval of their quest to omit a primary pedestrian entrance on both Eastern facades along Simpson Street with the condition. I put the condition on both variance requests, that they actually install that visually interesting feature on the eastern facades. Now to get into the northern primary pedestrian entrance. Staff are recommending denial of that variance request because if you look at the floor plans, they could potentially add an entrance similar to the southern entrance on the southern building into the dining room. Staff do not believe that there's a practical difficulty in complying with that provision. Staff believe that that the plight of the landowner is self-created for the primary pedestrian entrance along Spruce Tree. As you know, they could add a door theoretically into the dining room. It is a brand new vacant flat property. So we feel like some creativity could be used to accomplish that. So then overall this is the staff recommendation. Staff recommend approval of the requests pertaining to the Eastern facades of both buildings and based upon finding three and four, denial of the requests pertaining to the northern side along Spruce Tree Avenue. Union Park District Council, they opposed the request pertaining to the window door opening percentage requirement overall on all of the buildings and then they do support the request pertaining to the primary pedestrian entrance requirement. You can read their letter, they kind of, basically they said go back to the drawing board. Staff received a letter from the Midway Chamber of Commerce supporting the project generally and a letter from the St. Paul Area Chamber supporting the requested variances and there were not any letters in opposition. So if you have any questions, I'm happy to answer.

Mr. Benner II- Seeing no questions from the board at the moment for staff, would the applicant would like to give further explanation. And given this is a new variance so state your name and address one us one more time, please.

Mike Hahm- Thank you. Certainly. Mike Hahm, Como Park, 1045 Van Slyke in St. Paul here.

Carolyn Wolf- Carolyn Wolf, 1600 Utica Avenue St. Louis Park.

Mike Hahm- Thank you. Mr. Chairman, commissioners. Appreciate all the discussion and background we established for the last item. I believe Mr. Eide's report was very comprehensive about why the variances were important and to emphasize a couple things as foundation and then get to the two items that staff are recommending against. For the east entrances for the east side of the buildings that staff are recommending, it's, we really appreciate the recommendation because the orientation of the buildings toward the lawn is a very unique feature. Where we think the staff are erring in their evaluation of the north entrances, are underestimating the uniqueness of the future. A couple

things to point out. The restaurant and the. There we go. This shows the interior design in the space for the restaurants and a couple things that that I want to emphasize is the modest nature of these buildings, especially compared to everything on site. These are one-story buildings with a very low profile and they're very small. The overall site is a very small footprint where we're creating two independent restaurant spaces that are very small with very compact service areas, receiving areas, and seating areas and as Mr. Eide represented, they are pointed out to the park which is not a street face. So those are some of the challenges we're looking to overcome. The design here shows both buildings. It also shows the corridor coming in from Simpson through the center of the buildings to the lawn with the primary entrances off both sides of that. What do we call it?

Carolyn Wolf- The mews.

Mike Hahm- The mews to go between those buildings. It creates a visual access to the vitality on the lawn area. Speaking to the connectivity of this to the overall site, and I do really respect the hardy dialogue around the experiences. I've failed perhaps in this room, but in speaking with community and emphasizing what we're trying to do to emphasize the vitality on the Great Lawn and the overall site, how that can be interpreted as not wanting to connect to community or what's happening around there. I'd say in this case, we're doing the same thing, but it's very intentional to connect to the community through the mews also to connect via the 15-foot walkways that will lead to the light rail transit and the bus transit that's on Snelling Avenue. The great lawn in this space will interact with the hotel, will interact with what the multimillion-dollar sculpture and prominent feature that's going to connect to community on the corner of Snelling and University as a primary interface to what's happening with Community. I do want to focus on the building to the left side of the screen which is the building that we're talking about in terms of the what's being created there. And why. Excuse me, the right side of the screen. Thank you. That is the building. So the north face of the wall is the one we're talking to the farthest of the screen. If you look at the interior of the building, you'll notice that the design for the building has a service area and a and a bar and a service area that runs the entire length of that wall. The program that may not be represented as clearly as it can in your materials is that the design program for the interior wall is to include a prominent mural by local artists that will run the entire length of that service area. So if you can imagine a beautiful interior space with a service area that includes the bar with a piece of piece of art being created custom to fit on that entire wall so that is, we think that is a something unique to this project. If the, if the choice was made to have what we believe would be a redundant entrance on that wall, in addition to the other entrances that are available to the building, we would forego the opportunity to have that art, or we'd have to shift that program someplace else in the building and create the same condition on another wall in the restaurant. So we'd be, we'd be back in front of you talking about perhaps variances for a different wall for that building and an inferior design. The other thing pointing out about the building that it don't think can be reflected tremendously in the staff report or what we're talking about for the specific discussion of the door openings and window openings is how the building is situated on site. Can you go to the overall site plan? In short, what the community will see when they're, the intentionality of design here, to be brief, is interfacing with the this building with the retail that will exist on the other side of Spruce Tree along D. Yeah, thank you Carolyn. So the F1 is the building and the building face we're talking about is right along Spruce Tree. On the other side of Spruce Tree is the parking structure. On the first level of the parking structure is retail that is facing there. If we were all standing in front of that retail looking across at the building what we're what we're really going to see is not the façade of this one story very modest building. What we're going to see is the view shed of Allianz Field behind it and the prominence and the excellence that Allianz Field represents. At night, if you've seen it, it can be lit up and show virtually any color you want but that's the viewshed you're going to see is not that building. It's going to be the prominent structure of Allianz field in the back to the side of it. You're going to see the vitality and activity that's on the Great Lawn. And game days hopefully it is filled up the other three hundred and twenty days a year, winter season, fall season, spring season the open space that people are out viewing. And just for balancing this out. If you're looking at it from the other side, we don't have a recommendation against or of something that we're talking about on the other side, the same. Same thing is true on the other side of the restaurants. If you're standing to the south of these buildings looking at them what you're, what you're really seeing is the hotel structure and the buildings that are on the other side of the building. These are very short, low-profile buildings. I will pause there. Carolyn, I don't know if I missed anything material related to these buildings? Kind of

restating some of the same features before that it's the orientation of the building, the design of the interior, helping people are exiting and entering the space. It is very intentional and it's being meant to done at the highest level of excellence. We're not proposing these variances to avoid costs or avoid anything that's not delivering an excellent experience for people, whether they're inside or outside of these buildings, whether they're using the roadways or the majority of people that are going to be on site using the 15 foot wide sidewalks and infrastructure that is being created as part of these facilities.

Mr. Benner II- Thank you. Comments? Questions? I just I have one. So the zoning code is relatively flexible when it comes to doors and openings, you know, I think it could even be something where things can be translucent. So letting light in but still providing some visibility or some... I guess I'm thinking like a frosted glass panel, right? So lets light in but still remain, still maintains certain privacy from the outside. Is that something that has been considered as a part of the design?

Mike Hahm- I'll let Ms. Wolf speak to the design. To your point, Mr. Chair. We have spoken about that in community and for other buildings, it's like, what other people, I'm not going to take credit for this, is described as a Walgreens window where you have a window that looks like glazing on the outside but is not actually showing on the inside. We would think that the treatments we are proposing on the exterior of the building, especially considering the size, are better quality and they're better for community than tricking the building to meet that requirement. So we have talked about it for something this modest and what we're trying to do inside we have not considered that specifically.

Carolyn Wolf- To Mike's point, the footprint of each one of these buildings is relatively small. So the building to the north is about 3,500 square feet and the building to the South is about 6,500 square feet. So utilizing the views to the west and having as much glazing on those exterior elevations is really where they focus the design and then the balance of the surface area left in the building is utilized for display kitchen, back of house, you know, items that are needed to operate the buildings. So we really want to utilize the glazing to the West and the balance for operations.

Mr. Benner II- And then so it sounds like on the operational side. You want to maintain some visuals. If you don't want to let people see into that is it my understanding

Carolyn Wolf- From a back-of-house perspective, correct. And then the north building, specifically that we're discussing on the North elevation, that is a display kitchen. So utilizing that wall for art, as Mike had mentioned, is the focus for the internal users to be able to see the feature. The back of house and then that display kitchen, art, and then glazing again to the west.

Mike Hahm- Mr. Chair, expanding on Ms. Wolf's comment. In other discussions people have asked about how the buildings would be serviced and those type of things. It's like, you can figure these buildings functioning similar to how something would have to function in the downtown. There's not a footprint outside these buildings to house service type activities. All that stuff is going to be contained within the envelope of the building and serviced out through delivery doors versus if you drive across the Wabasha bridge and look at restaurants over there, there's stuff outside that's there obviously to support the building. And we're not we're not doing that at this site.

Mr. Benner II- Thank you. Any other any questions from the board? Okay, doesn't seem like it. Given that this is a public hearing, I'll ask if there's anyone here to speak in favor of this variance request? Anyone here to speak in favor?

Amanda Duerr- Thank you, Amanda Duerr, with the St. Paul Area Chamber 401 Robert Street North, Suite 150. I won't go into long comments like last time but just again supportive of these variance requests. I think once again, it's important to consider the very small lot sizes here and how these buildings are surrounded by streets. So how the ordinances in the codes affect this property may be different than what you typically see, and I think the orientation and the activation of the Great Lawn is very important here and a focus. And I'll just say from experience this developer and the team has very, very high-quality designs. So I don't think anyone should see any variances as lacking, that these will be any less of a feature to the development because these variances are enacted. I think they're going to be stunning

buildings, and there's a lot of important details that are going into these designs. So we just appreciate your support. Thank you.

Dean Cummings- Hello again, as staff mentioned the Union Park District Council is in favor of the pedestrian access and does oppose the various requests for the ground and floor window openings, and just to provide a little bit of color of that. I said, I've got to wear two hats in this my comment, but from the Union Park District council's perspective something that actually commissioner Schweitzer sort of brought up the perspective was that essentially because of the way the building is oriented, the buildings are oriented, they're facing the Lawn and there's a perception by some community members that in a sense of turning its back to the neighborhood. And that was a consideration that should be taken into effect when we're talking about window openings and such, and there's, there were some other comments as far as in the letter if you read the letter from Union Park that potentially some of those window openings in the back of the house side could be utilized for the kitchen staff to actually be able to see outside when they're cooking. So if I may take off that hat and put on my personal hat, as a resident of St. Paul, I do personally support the variance requests. This is, as I mentioned before this is a transformational project. We're not putting this building next to an existing building. This is a this is new construction in terms of the concept of turning the back of the building to the community, if we, I don't know, can we do, we have a you, can pull up the that your screen. Yeah. Yeah, just the full block super block rendering, if you got that right there. So we're talking about the dark blue area and F1. They're still development to come in E and F2 and even more in G, which will be oriented towards that development. So it's not necessarily turning its back, maybe in the interim it sort of is, but I, my personal perception is that's not. What really we're doing is turning the restaurants towards the Great Lawn which to me, is sort of the anchor of the whole development. Well, yes, there's a soccer stadium that's taking up roughly the lower portion, the southern portion of the Block. It's not just a soccer development. There already have been community events held on the Great Lawn and there are some plans this summer. There will be a music festival held on the Great Lawn itself, which having the restaurant oriented towards the Great Lawn is perfect. It makes it makes a lot of sense and I, just to add too, it's not just the soccer development. The soccer stadium has been utilized just in the past couple months for a rival local soccer high school soccer teams were able to have a community event which virtually sold out the stadium. It was a very high school, the high school sold out. It was a great and the stadium was utilized for a community Boot Hockey event. You could organize a team. It's great. I think just to echo the comments, the compact design is sort of limiting those the window openings. I do think if we look at, can you pull up the mews picture again with. This area here, the opening between the buildings. I've been kind of referring to as a promenade. Well, it is not a window, it it's not glazing. It's not a door. It's a passage between the buildings that allows light and people to transport themselves, walk back and forth between, I think that more than makes up for any perceived lack of window openings in the buildings themselves. It's not a fort built around the Great Lawn. It's an open passageway through that. It can also be accessed from the North and the South. I think the attitude towards the Great Lawn is that the sort of the town square of the Midway where we see a lot of community events in the future that are not just happening on soccer game days, and therefore, I think personally all the variances should be granted. Thank you.

Mr. Benner II- I'm sorry. Could you just say your name again?

Dean Cummings- Dean Cummings 1910, Marshall Avenue.

Mr. Benner II- Thank you. Anyone else here to speak in favor of the various requests? Anyone else to speak in favor? Seeing none. Is there anyone here to speak in opposition to the variance requests? Anyone to speak in opposition? Okay, seeing none, I will close the public hearing and open up for discussion.

Ms. Dayton- I'd like to make a motion to move the staff recommendations for all for variances.

Mr. Schweitzer- Second.

Mr. Benner II- We have a motion by Ms. Dayton and a second by Mr. Schweitzer. Excuse me, any further discussion?

Ms. Linston-roll call- Porter- (Yes.) Schweitzer- (Yes.) Clarksen- (Yes.) Benner II- (Yes.) Dayton- (Yes.)

Mr. Benner II- Okay, so was that just for, that was for all four of them, correct?

Ms. Dayton- Yes.

Mr. Clarksen- The motion was for all four. That is what I heard.

Mr. Eide- With the condition about the murals?

Ms. Dayton- With the condition.

Mr. Benner II- Okay. So the two of the variances were approved and then the two were denied. So the two that were denied, you have the option to appeal them to the City Council within 10 days. Any further discussion? Okay. Thanks everyone for indulging a long meeting and we adjourn.

The meeting adjourned at 5:56 p.m.

Moved by: Dayton / Second by: Schweitzer

4 Variance Requests Pertaining to Eastern Facades (window/door requirement & primary ped. entrance) approved w/ condition.

2 Variance Requests pertaining to northern façade (window/door requirement & primary ped. Entrance) denied.

5-0

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (May 14, 2024 15:53 CDT)

David Eide

David Eide

Approved by:

Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (May 15, 2024 08:07 CDT)