GENERAL MINUTES
THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
DECEMBER 9, 2024

BOARD MEMBERS PRESENT	STAFF PRESENT	
Daniel Miller	David Eide	DSI
Jerome Benner II	Yaya Diatta	DSI
Brian Martinson	Maxine Linston	DSI
Marilyn Porter	Therese Skarda	City Attorney

ABSENT BOARD MEMBERS: Robert Clarksen, Megan Dayton, Chris Schweitzer

APPROVAL OF MINUTES for OCTOBER 14, 2024, OCTOBER 28, 2024, AND NOVEMBER 25, 2024:

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

APPROVAL OF RESOLUTIONS: None

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
24-091022	1156 Lincoln Avenue – Tom Distad	Benner II	Martinson	4-0	Approved
24-095781	2200 Ford Pkwy (Highland Bridge Block 2B) - Ryan Companies US, Inc. – Sean Ryan				No motions passed- laid over to January 6, 2025
24-096392	0 Cretin Avenue South (Highland Bridge Block 2C) - Ryan Companies US, Inc. – Sean Ryan	Benner II	Porter	4-0	Lay over to January 6, 2025

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Jan 7, 2025 07:31 CST)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Jan 6, 2025 18:12 CST)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
DECEMBER 9 , 2024

PRESENT: Members of Board of Zoning Appeals: Mr. Miller, Mr. Benner II, Ms. Porter, Mr. Martinson

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

Legal: City Attorney Therese Skarda

ABSENT: Clarkson, Dayton, Schweitzer

The meeting was chaired by Daniel Miller and began at 3:04 p.m.

Mr. Miller- All right, good afternoon and welcome to the Board of Zoning Appeals. Our purpose is to review and decide upon requests for zoning code variances, administrative reviews, and requests to modify the home occupation requirements for handicapped individuals. If you intend to testify today, we ask that you start your remarks by giving your name and address. Staff will first show slides of the site, a presentation of findings and discussion will follow. I will then call the applicant and those in favor and then those opposed. At that point, the board may call back the applicant in case we have additional questions. We'll then close the public portion of the hearing, and the board will vote to approve or deny the request. The board's vote is final unless appeal to the City Council within 10 days. We will take the cases in 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 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 that there's 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 Department of Safety and Inspections are David Eide, Yaya is on his way. Our legal counsel is Therese Skarda. Our secretary is Maxine Linston. My name is Daniel Miller, I'm chair of the board. Before moving on to our first order of business, I will ask the secretary to call roll of those board members in attendance for today's hearing.

Ms. Linston: Attendance Roll Call- Porter- (Here.) Martinson- (Here.) Miller- (Here.) Benner II- (Here.)

Approval of Minutes for October 14, 2024, October 28, 2024, and November 25, 2024

Mr. Miller- First order of business is the approval of the minutes for October 14, 2024, October 28, 2024, and November 25, 2024. Is there a discussion or a motion to approve the minutes for all the dates mentioned here?

Mr. Benner II – I move to approve for all minutes mentioned.

Mr. Martinson- Second.

Mr. Miller- Moved and seconded. Roll call.

Ms. Linston- Porter- (Yes.) Benner II- (Yes.) Martinson- (Yes.) Miller- (Yes.)

Moved By: Benner II / Second By: Martinson **Approved 4-0**

Old Business: None

New Business:

1156 Lincoln Avenue:

Chair Miller- 1156 Lincoln Avenue. The applicant is proposing to demolish the existing duplex on the property and construct a new triplex. The zoning code states that when an alley is present, garages must be located in the rear yard and accessed through the alley; the proposed triplex has two attached garages accessed via Dunlap Street through the side yard, for a variance of the requirement. Mr. Eide, all right, go ahead.

Mr. Eide- Thank you, chair Miller and board members. David Eide with the Department of Safety and Inspections. Just bringing up the Streetview of the property and the satellite image. This is a 0.15-acre 45-foot-wide by 150-foot-deep lot, on the southeastern corner of Lincoln Avenue and Dunlap Street South. The building is currently vacant. It's a registered vacant building. The surrounding land uses are lower density residential and there's a multi-family dwelling to the east. I'm just bringing up in the code citations. I put the multiple family design standards, which refer to a different section of the code, the traditional neighborhood district design standards, which is where this provision that the applicant is requesting a variance from came from. It's the section that states that when there's an alley present, garages shall be located to the rear and be accessed through the alley. So, typically, let's say, if this is a duplex, you can have, or a single-family, you can have side street access or the alley. But this provision, this newer provision in the code requires it through the alley and I put it in the packet, what the applicant is proposing. It's a three unit building with one unit, the door faces Lincoln, and then the other two face Dunlap and one has the garage door facing the alley and then two garage doors facing the side street. And then there's also elevations and floor plans in your packet. The elevation facing Dunlap and then Lincoln right here. So the findings are, number one, that the variance is in harmony with the general purposes and intent of the zoning code. The proposed three-unit dwelling would provide additional housing, which consistent with Section 60.103. So that finding is met. Regarding the comprehensive plan, the comp plan is also supportive of housing, so it aligns with H-46, LU-34, and H-15, so that finding is met. Regarding practical difficulties. This is a corner lot with alley access along the rear. Properties with two units and fewer are permitted to use the side street for parking access. Like I noted, the proposed development is considered a multi-family dwelling development, as it has three units, and accordingly, 66.241 applies. The property is only 45 feet wide and it's reasonable to permit the property and their access to the proposed garages off the side street, in alignment with many lower density properties in Saint Paul and even nearby near this property. The narrow nature of the lot creates practical difficulties in complying with the provisions. That finding was met. Regarding their plight, the property owner plans to use the alley for access to one of the garages. Creating access off the side street is reasonable given the relatively narrow nature of the property and unique width, so that finding was met. Regarding uses and the essential character, a triplex is a permitted use in this H2 zone, so granting the request would not permit an unallowed use and the essential character, it's similar to other properties in this area. So that finding was met.

Correspondence- Staff did receive a letter from the Summit Hill Association Land Use Committee recommending denial of their request. Primarily surrounding concerns about reducing on-street parking, as you can't park in front of a driveway and concerns about traffic with the school nearby. Staff received six comments speaking against the zoning variance request but supportive generally of the construction of the triplex. And then based upon findings one through six, staff recommend approval of the variance request. And if you have any questions, I'm happy to respond.

Mr. Miller- Any questions for staff? David, do you know if those are two car garages or one car garages?

Mr. Eide- I believe they are two car garages. But we can check here, double-check. Yeah, 16-foot-wide doors. So yeah, two-stall.

Mr. Miller- Other questions for staff? We'll go ahead and call the applicant forward if the applicant is present. When seated in front of the microphone, you can both come up if you want, and do sign into that red book at some point.

Tom Distad- You want my address right now?

Mr. Miller- Yes.

Tom Distad- Tom Distad, 1863 Colvin Avenue, Saint Paul 55116.

Mr. Miller- Anything you'd like to share or add to Mr. Eide's report?

Tom Distad- You know, the main goal is to try to get attached parking for safety. We were hoping, you know, to save less walk on sidewalks things like that and get all the parking off the street. We like the idea of the 2-car attached garage for that fact and, you know, with the current zoning rules, we could still do three single family homes with three separate curb cuts. So we felt like, you know, it's, these are attached, so because they're attached, we have the rule that they need the parking off the alley, if that makes sense. So, we could subdivide this into three separate lots, build three single-family homes and still get the curb cuts but because they're attached, we need a variance. So, we felt like what we're asking for is kind of in harmony with the general zoning, but we like the idea of the townhouses because it pulls the project back off the street a little bit further to be in kind of harmony with the rest of the block and how close the project would be to Lincoln, if that makes sense. And the concern from the neighborhood was the loss of parking. But if we just did just, we could only fit a 3-car garage off the back. So, I mean, we're going to have three cars on the street either way if we build this, assuming everybody has two car garages because these are going to be like three bed, four bath 2500 square-foot homes. That's probably going to attract families or, you know, retirees or something that have multiple vehicles.

Mr. Miller- Any other questions for the applicant? When I was looking at your plans, I saw too, someone maybe wrote in and suggested trying to do underground parking. It seems so narrow to me, I don't know that you could do, maneuverability.

Tom Distad- There is a hypothetical situation where we could try to do an alley, or sorry, a driveway off the east side of the property and do tuck unders. But then all of a sudden, we've got things that are three stories, you know, the garage would be just the main floor, the living would be on the second floor, and the bedrooms would be on the third floor. That isn't really in harmony with the neighborhood. It's, you know, we thought like this scale-wise fits the neighborhood a little bit better and it's just a more desirable product, if that matters.

Mr. Miller- Anyone else have questions for the applicant? I'm not seeing any. Go ahead and take a seat and we may call you back up if we have additional questions. Is there anyone here from the public to speak in favor of this variance request? Anyone here from the public to speak in favor? Anyone here from the public to speak in opposition to this variance request? Anyone here to speak in opposition? Not seeing any. I will close the public portion of the hearing and open this up for discussion or motion.

Mr. Benner II- Thank you, Chair. Based on the staff's findings and recommendation, I'd like to recommend approval of the variance request.

Mr. Martinson- Second.

Mr. Miller- Moved and seconded. Roll call?

Ms. Linston- Porter- (Yes.) Benner II- (Yes.) Martinson- (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.

Moved by: Benner II / Second by: Martinson **Approved 4-0**

2200 Ford Parkway (Highland Bridge Block 2B):

Mr. Miller- The applicant is proposing to construct a mixed-use development on this vacant property in the F5 Business Mixed zoning district. The development consists of three single story commercial buildings and a four-story 97 dwelling unit mixed-use building, all of which surround structured off-street parking. Thirteen variances are requested: one, a floor area ratio minimum of 2.0 is required; 1.0 is proposed, for a variance of 1.0. Number two, a building height minimum of 40 feet is required. Retail buildings B and C are proposed to be 15 feet tall each and retail building D, 12 feet tall, for variances of 25 feet and 28 feet respectively. Number four. Number five. Two. One, two. Well, I'm just going to read what's here. Five: a maximum lot coverage of 70% is permitted; 80% is proposed, for a variance of 10%. Numbers six and seven: The Ford Site Zoning and Public Realm Master Design Plan standard G15 requires at least 30% of the area of the ground floor along addressed sides of the building and sides that face open space to consist of windows and doors or openings; 20% is proposed on the north side of the mixed-use building and 25% is proposed on the north side of retail building D, for variances of 10% and 5% respectively. 8 through 13: The Ford Site Zoning and Public Realm Master Design Plan design standard S12 requires the bottom 12 feet of portions of the ground floor along urban center frontage not dedicated to residential units to be a minimum of 65 percent transparent glazing; 40% is proposed on the north side of the mixed use building, 55% on the north side of the retail building, 55% on the north side of retail building C, 50% on the north side of retail building D, 45% on the southeast side of the mixed-use building and 45% on the south side of the mixed-use building for variances of 25 percent, 10 percent, 10 percent, 15 percent, 20 percent, and 20 percent respectively. All right. Mr. Eide, I see what I did there. I missed two through four. Yeah, going through, I see that now. Go ahead and take it.

Mr. Eide- Thank you, Chair Miller. Apologies, I'm just having some difficulties downloading. It's taking a while. There we go. I did have up the map though, of where this site is located. So if you're familiar with the Highland Bridge redevelopment, this is the new 2.18 acre property on the south side of Ford Parkway between Mount Curve and Cretin. It's this one right here. It is block 2B of the Highland Bridge Ford Redevelopment Site. Hillcrest Avenue provides vehicular access on the southern side of the site. You can actually see that there's a public portion of Hillcrest and then there's also private portion that will run through. So the there's a proposed drive right here into this site. A civic square is proposed to the east of this property and a pedestrian easement provides or occupies the southeastern side of this property right along this line, providing access between the civic square and the portion of Hillcrest that is private. Well, this part is public. To the north, the surrounding land uses, we have commercial zoned T2. To the east we have this proposed civic square. To the South there's this Civic Plaza, to the West is vacant and future mixed-use or commercial. This one that's labeled 966 and then I did provide the link a link to the full plan, so if you had time to read that, the website kind of explains what's going on and then the actual, the master plan is in here too that talks about those urban frontages. So, to get into the findings, I put in the code. So it's kind of unusual here. We have the general F5 standards. So there's a few of the variances are of those standards. And then, 66.945 (c) essentially points you to the Ford Site Zoning and Public Realm Master Design Plan and then it's G15 and S12 that the applicant is requesting a variance from. So I put all of those in here, so G15 is the 30% windows, 50% of the length and 30% of the area of the ground floor along address sides of the building and sides that face open space and then S12 states that 65 percent transparent glazing is

required on the bottom 12 feet of the building for portions of ground floor not dedicated to residential units and that's along the urban center. So the, in the master plan, certain frontages are designated urban center frontages and then along just those sides is where that requirement applies. If the grade changes, the lower 12 feet obviously changes. So the applicant calculated that for us. So, to get into the findings. That the variances are in harmony with the general purpose and intent of the zoning code. The applicant's mixed-use development on this vacant property consists of three single story buildings. Once again, maybe it'll come up, maybe this will load, be better here. This is the, here's the, this is the urban the frontages here. So this kind of shows, this is the Lund's building, if you're familiar, the mixed use building, and then this is the block that we're speaking about. So, this development consists, this proposed development consists of three single story commercial buildings that are to be along Ford Parkway. So, these are the three single story commercial buildings and a four-story, 97 dwelling unit mixed-use building, which is the building labeled A, all of which surround structured off-street parking, so this middle portion and it's actually structured. So you can, I think that it's the more public parking is on the top for the users of this building, or this group of buildings and then underneath is more for like the tenants and whatnot. Thirteen variances are requested. You heard all of the variances. So, the mixed-use development with commercial space and 97 dwelling units is consistent with the purpose and intent of the F5 zoning district to provide for a variety of multi-family residential, dining, retail, office, and service establishments. The buildings are oriented to the public rights-of-way. The applicant, they did provide some renderings. So this is basically Ford Parkway, if you're looking southeast, you can see the lower buildings and the mixed-use one in the back. The buildings are oriented towards the public rights-of-way, with ground floor activity that transitions between the outdoor public spaces or uses. The proposed mixed-use development with the requested variances is consistent with the purpose and intent of 60.103 of the zoning code. So that finding was met for all of the requests. Regarding the comprehensive plan, the 2040 plan, the general citywide goals are an increased density and land use diversity. The Highland Bridge Ford site is identified as the mixed-use area and an opportunity site as well as a neighborhood node which is intended to provide denser consecration of the development. The proposed development is consistent with LU-5 which encourages flexible building design, LU-7 which states to use land use and zoning flexibility to respond to social, economic, technological, market, environmental changes, conditions, and opportunities. And LU-29 that building massing, height, scale, and design transition to those permitted in adjoining districts. The proposed development is consistent with the guiding principles in the Ford Site Zoning and Public Realm Master Design Plan to create jobs and increase the tax base. And the master plan general design guidelines meant to promote aesthetics and design standards. While some of the development doesn't meet the required glazing requirements, the amount of glazing proposed will contribute to a vibrant and active space that allows pedestrians to see into the spaces within the buildings and the activity within. The variance request from the glazing requirements is consistent with the Ford Site Zoning and Public Realm Master Design Plan 5.2 design standard G16, which states that windows shall be designed with punched and recessed openings or other window installations that create a strong rhythm of light and shadow. Glass on windows shall be clear or slightly tinted and allow views into and out of the interior. So you can see on some of these elevations that were provided. I think at the end there should be more. This is why it took a while to load because these are quite dense graphics. But this top one, what you would see from Ford Parkway for the one-story buildings, and this is that one other perspective that we saw earlier, this is from the little plaza here, looking to the West. So this is a designated urban frontage right here. So talking about in the master plan, this is the view from the interior parking area. And then this is the drive from Hillcrest. So, the applicant is, regarding the practical difficulty section, if we showed the overall lot here. Highland Bridge Block 2B is an atypical shape with the southeastern lot line angled, this shape creates practical difficulties in constructing a building with a floor plate that increases the FAR. In addition, the southeast portion is not buildable due to a pedestrian easement that crosses it. All right, here you can see that they're providing space to be able to walk from this plaza to the other plaza to the southwest. The floor area ratio is determined by the lot, however, considered with block 2C and 2D, the floor area ratio would be 1.7, which is closer to the required minimum of 2.0. Block 2A is not yet built upon, and you have another diagram if I skipped over to that. So this is the block 2A which could be commercial or

mixed-use, so if we combine this, all these blocks, plus the senior development down here, it's 1.7, which is closer to the required FAR of 2.0. The applicant is proposing to construct structured parking in the middle of the site. If that structured parking were included in that FAR calculation, then the block would comply. The shape of the lot, pedestrian easement, overall nature of the development with higher density blocks providing a greater average create practical difficulties. The proposed FAR is reasonable given the surrounding context and it is sensible to examine these items from an overall block perspective. Regarding the height variances, we've got (b), (c), and (d). So (b) and (c) are 15 feet and then (d) is 12 feet. You can see on the perspective looking along Ford Parkway that they're almost kind of lowered down to the streets. There's a grade change across the property, so these buildings are oriented towards Ford Parkway and are at a lower elevation to relate to Ford Parkway better than if they were higher. Creating 40-foot-tall buildings with these footprints of these sizes would not be reasonable. The smaller nature of these buildings with pedestrian passageways supports the activation of Ford Parkway, as users of the buildings will be able to be able to approach from Ford Parkway or the pedestrian cut throughs between the building to access from the rear. So, there aren't doors on the rear, so if you're coming from the parking deck, you would need to go around here. Regarding lot coverage, the applicant proposes the buildings covering 80% when 70% is the permitted maximum. The parking facility does not count towards the FAR minimum, but it does count towards the lot coverage maximum. The proposed structured parking sits in the middle of the site between the proposed buildings. The applicant could create a smaller structure that is taller, however, the structure would likely obstruct pedestrian traffic moving between Ford Parkway and Hillcrest and would be more visually prominent than what's proposed. The proposed solution is reasonable, given the site's grades, shallow bedrock, and perched water table. In addition, if 2B and 2C were analyzed together, so that would be these two with this, the next case, they would be 63 percent which is in compliance with the requirement. And the next one regarding the 30%. The Ford master plan requirement G15 requires at least 30% of the area of the ground floor along addressed side of the building to be doors and windows. For building A, 20% is proposed. Maybe I can pull that up. So building A is also the mixed use building, so it's actually this portion right here. 20% is proposed. And for building D, which is the far western building, 25% is proposed. Right here. This one. The proposed buildings along Ford Parkway been designed to allow pedestrian permeability through the site. The applicant is proposing a consistent facade along Ford Parkway that allows the for demising of the interior spaces. The overall layout of the property with pedestrian permeability and smaller buildings created the smaller commercial spaces which led for the need for non-window space to add demising walls which creates practical difficulties in complying with that thirty percent requirement. In addition, for this building D specifically, more of the facade is exposed because there's a pedestrian access ramp which is shown here. You can see it in this one. Due to the slope of the property, the necessary accessible ramp, which creates access between Ford Parkway and the buildings. The grades on the site create practical difficulties in complying with the provision for that facade. The last variances regarding standard S12, which is that the bottom 12 feet of the building along portions of the ground floor along urban center frontages not dedicated residential units must be 65% glazing. The applicant is proposing traditional storefront facades with a reasonable amount of glazing, given the small size of the commercial spaces. The proposal creates a consistent facade along the urban center frontages while providing areas to demise the spaces in the smaller spaces, should it be necessary. The change in grade throughout the lot led to the smaller building sizes and that's the unique circumstance that the property owner did not create. Regarding the plight of the landowner, the grades on the property, slope of Ford Parkway, solid bedrock, and perched water table have driven the design of the development and accordingly the requests pertaining to the floor area ratio, building heights, lot coverage maximum and glazing requirements. So that finding was met for all the requested variances. Regarding uses and essential character, a mixed-use development is permitted in the F5 district and granting the variances would not alter the essential character as the Highland Bridge area is planned for several types of uses including office, mixed-use, multi-family, residential, congregate living, senior housing, row homes, parks and civic spaces. The Ford zoning districts provide for a variety of building types, density, and dimensional standards throughout the site. Its new development,

including the proposed FAR, building Heights, lot coverage, proposed window and door openings will not alter the essential character. That finding was met for all the requested variances.

Correspondence: The District Council, you'll see in your packet, that the Highland District Council Community Development Committee supported the request and that's towards the end of your packet with the Highland District Council letterhead. All right, here, it's two pages. And staff did not receive any correspondence regarding these requests. And then based upon findings 1 through 6, staff recommend approval of the requested variances for Block 2B. So if you have any questions, I'm happy to respond. The applicant is here too, so they might, if you have extremely detailed questions, they might be able to answer those too.

Mr. Miller- Questions for staff?

Mr. Benner II- I have a question for staff. When the Ford site was re-platted, were there any additional lot splits that created some of these unique circumstances or was just how it was platted after Ford was gone and Ryan came in to redevelop the site?

Mr. Eide- Chair Miller, board member Benner. There have been quite a few lot splits. I believe that one of the, in the master plan, there were these privately owned public spaces that were desired by the community. So these are proposed to be put in, but they just create odd lot sizes after their placed there.

Mr. Benner II- And then another question. These are substantial variances that really change the scale of what was proposed or what was planned to be proposed for the site and just curious to know, if staff recommended text amendments instead of, you know, pretty substantial variances to change everything. Like why this process versus another?

Mr. Diatta- Chair Miller, board member Benner. This is kind of unusual. Typically, people want more, not less. Looking at these variances, most of them are like, the thresholds are set up here, they want to go here, and I think it has to do with the nature of the site, in my opinion. Maybe the applicant can speak more to it, but this is, the Ford Site is sort of an oddball in terms of regulation. It is super strict, in my opinion. And in hindsight, maybe things could have been made a looser, but I thought when they did the master plan, they thought, this is the way to go. But, you know, they created some odd situations, I think that's where we are at today.

Mr. Benner II- Okay. Thank you.

Mr. Miller- Any questions for staff. I don't see any. If the applicant is present, you can go ahead and step forward and sign your name and address into the red book at some point.

Sean Ryan- Perfect. Thank you. My name is Sean Ryan. I'm with Ryan Companies and address is 533 South Third Street, Minneapolis. Thank you very much for hearing our request for variances today. You know, one thing with the Highland Bridge and the site in particular, we've been, we've been working for the last five years to get a site to work and we're really excited to bring this proposal forward because we do believe that it fits the nature of what this particular block meant for kind of Highland Bridge. We studied this as sort of the entrance into the entire development and so bringing a rich mix of retail and residential on this particular block to be something that we're proud of right now. One of the main signature elements of the master plan is this connection point from Ford Parkway into the block and this pedestrian walkway that walk runs right through this block 2B and 2C. So we've maintained that point of this of this block and really the entirety of block 2 to kind of create that connection from Civic Plaza to Civic Square. You know, David mentioned you know, some of the challenges that we faced on this block. We have pretty severe grading changes along Ford Parkway. It's about 16 feet of grade difference, which you can see is one of the reasons that we broke the blocks into separate buildings on the retail section, from B, C and D. And then A is our mixed-use development with 97 units of

residential and then about 9,500 square feet of retail space. This district is kind of the business mixed district. So we feel that kind of proposed use with the retail with kind of a variety of hopefully retail, dining, service, and multi-family will really fit what the original intent for block two and the overall Highland Bridge entrance here. Just to touch on the number of variances that we have and from the original block two to where we are today. I just wanted to kind of share where the metrics were to what we're proposing today. Our old metric for residential was 287 units with a retail component of about 100,000 square feet that was over the entirety of block two, which is 2A, 2B, C and D. What's now proposed on this particular block 2B is 97 units of residential, but couple that with 2D which is our senior 55 plus community, we have 125 units currently underway, set to be open shortly here, so it'd be a total 222 residential units on block two. For the retail component on this particular block, this block plus 2C, we have 36,000 square feet of retail proposed. 2D, which is the 55 plus community, has an additional 4,000 for 40,500 square feet of retail and then 2A, which is the plot kind of plan left, we are figuring, we're hoping to propose probably about 30,000 square feet of probably an office use at that time. So, we feel that while we are looking at a lower density, we don't feel that we're that far off kind of the cumulative total when we look at kind of what our initial proposal would have been. Unfortunately, just, you know, due to the changes of the grade, due to some, you know, some changing in the economic environment, we've just had to shift around kind of our proposals over the years, over the last five years. So, I'm happy to kind of run through any specific, you know, variances, any specific questions that you may have. I know there's a lot of information so if there's anything specific, I can answer, I'm happy to do so.

Mr. Miller- Any questions for the applicants?

Mr. Martinson- Thank you, Mr. Chair. So yeah, I've got, I guess, a few questions about this. The parking structure, you've got underground parking, then you say you've got eighty-two spots above grade, or is that actually at grade?

Sean Ryan- It's at grade, at grade with, yeah, it's at grade obviously just with the intense 16-foot slope depending on where you're sitting.

Mr. Martinson- Okay, so no problem. The slope causes no problem for building a parking structure there. So the pedestrian walkways between buildings A, B, C, and D. I know that the, I know that the diagonal at the southeast part of the lot is mandated by the city but the pedestrian walkways between these buildings, is that something that was required by the city, or was that your decision?

Sean Ryan- That was our decision. And really, the reason we did that is to provide activation from Ford Parkway into the building. Maureen Michalski, my coworker. And really what that allowed is, Ford Parkway is not ADA accessible, but we wanted to provide a ramping system into our property that allowed for multiple access points to get to the retail components there, into the structured parking.

Maureen Michalski- If I may add in clarification for that question. Maureen Michalski, Ryan Companies, 533 North Third Street, Minneapolis. So, we do have a city required easement for that pedestrian pathway that connects the Civic Plaza and Civic Square and that was part of the redevelopment agreement.

Mr. Martinson- Yeah, I understand the diagonal is required by the city. So my question is about the passageways from the at-grade parking to Ford Parkway. So, you've got the residential mixed-use building in A, which is built, that meets the height and the and the FAR standards. And there's clearly a segment of that building that navigates that same grade. And there's buildings to the north of Ford Parkway, there's buildings to the east of this lot, there are buildings to the west of this lot, and there's buildings to the south of this lot that are all built 30 to 40 feet or more and so it's not clear to me how the, either the issue of the bedrock or the issue of the perched water table is actually what's driving the decision to have these separate buildings. So, can you tell me more about why those, why do we want to have very suburban looking commercial there instead of having more buildings that would meet the height, or a single building?

That part is also not clear to me why the slope is such a problem to build a contiguous building there. Maybe connecting B, C and D together or maybe B and C, I don't know. Can you help me understand what those constraints are because I'm not seeing how they're operative here.

Sean Ryan- Yeah, our biggest constraint is access from Ford Parkway into the site.

Mr. Martinson- Pedestrian access?

Sean Ryan- Pedestrian access into the site, because such a severe slope from Ford Parkway from the Northeast to the Northwest. If we had a single building, the ramping system on the outside, we wouldn't be able to provide that access, have multiple points into Highland Bridge.

Mr. Martinson- So people would have to walk to the corner, for instance, to access the building.

Sean Ryan- Correct.

Mr. Martinson- Sort of like they do at the at the Lunds & Byerlys across the street from here. Yeah?

Sean Ryan- Correct.

Mr. Martinson- There's also slope there and also they've had to navigate that with their entrance as well?

Maureen Michalski- If I may. The challenge there would be that the building. Feedback we've gotten from staff in PED, and the council, and the neighborhood is that they want to see the building's brought down, particularly building D, which is at the far westerly side to more grade level. The sidewalk along Ford Parkway is not ADA accessible and so, part of the challenge of the site with a 16-foot grade change is bringing those buildings down, the retail down to grade level on Ford Parkway so they're not 12 feet up in the air and not pedestrian access with just a wall at grade depending on what portion of the site you're on. So that's why breaking up the buildings that way allows it to actually be a pedestrian friendly environment as you move west on Ford Parkway. Where it works great if you're on building A at the corner of the Civic Plaza because that's where the everything is at grade, if you will, including the upper deck of the parking, but as you move west, you're no longer, the grade moves down and then you create a non-pedestrian friendly environment and you don't have access there.

Mr. Martinson- Okay, so I understand, I guess I understand the desire to have the building's brought down to grade, but how does that affect, why does that make it undoable to be putting residential above those buildings or to combine say, B and C and make residential above those buildings?

Maureen Michalski- So we're proposing 97 units, which is the four-story building there. We're not proposing housing, additional housing, because we don't believe that it's able to be developed here. And so we want to project that meets the master plan, that has success for actually getting financed and being developed and we don't think that's something that it would be larger than that has the ability to be financed or advanced now or in the near future. And it's important for this development to have vibrancy at this corner and support the other things that are happening in the neighborhood. And that's why we're advancing this plan and proposing this plan today.

Mr. Martinson- Okay, thanks.

Mr. Miller- Any more questions for the applicants? I guess I don't have any questions myself either, so you guys can go ahead and take a seat.

Maureen Michalski- Thank you.

Sean Ryan- Thank you.

Mr. Miller- Is there anyone here from the public to speak in favor of this variance request? Anyone wanted to speak in favor? Is there anyone here from the public to speak in opposition to this variance request? I guess, just take turns coming up and same rules apply. Once seated in front of the microphone state your name and address and sign into the red book at some point.

Opposition:

Cody Fischer- My name is Cody Fischer. I live at 1017 Ashland Avenue, here in St. Paul.

Mr. Miller- Mr. Fischer, just for time restraints, do keep in mind to try to keep this to about three minutes or so. Three to five minutes.

Cody Fischer- Absolutely. Did you say five minutes?

Mr. Miller- We can go three to five minutes based upon…

Cody Fischer- Okay, and this is consolidated testimony for both, so I wouldn't be repeating anything. I figured you'd give me two and so I consolidated to five. So, chair Miller and members of the BZA, I'm here on behalf of Sustain Saint Paul, a grassroots organization that champions abundant housing and sustainable land use. I also speak personally as an experienced local developer of three to five story mixed-use buildings with deep knowledge of the geotechnical, structural, and cost considerations involved in those kinds of projects. We urge you to deny the applicants height and floor area ratio variance requests on this and then also the subsequent application to be discussed. These requests failed to meet the legal requirements for variances because one, they lack credible evidence of practical difficulties or undue hardship. Two, they represent enormous deviations from the zoning standards. Three, they are inconsistent with the Ford site master plan and the city comprehensive plan. Regarding undue hardship, the applicant claims that challenges related to the site, including grade changes, shallow bedrock, and perched water table, and a public easement present undue hardship, however, regarding grade and slope, these do not preclude multi-story construction. FAR and height requirements could be easily met with, on this project, with multi-story buildings of similar footprints. Shallow bedrock and perched water table, one, the applicant did not submit geotechnical analysis or any cost study to demonstrate that in fact, this is an issue that's established and that they present practical difficulties and undue hardship and two, such conditions are routinely managed in multi-story buildings with techniques like tiered foundations, shallow footings, neither of which are cost prohibitive. Three, the lot shape. The atypical southeast lot line is irrelevant to the applicant’s decision to propose single story commercial buildings on the site, which is the true reason that FAR and height requirements are not being met here. Hardship must stem from unique physical characteristics of the property, not financial constraints, or market conditions, per Minnesota state law. The applicant has publicly stated, and here again now, that their challenges are primarily economic related to things like rent control, difficulties attracting multifamily investors. While unfortunate, economic hardship is not grounds for a variance. Issue two, the magnitude of the variance request is far, is excessive. The zoning code requires a minimum FAR of two here, but the applicant proposes one for block 2B and an astonishing 0.3 for block 2C, which will be discussed later. These reductions represent 50 and 85% deviations from the underlying zoning respectively, far beyond what should be considered with mere variance requests. On building height, the zoning code permits heights of 40 to 65 feet here, yet we're seeing a proposal for heights as low as 12 to 22 feet. A 45 to 65% reduction. This is drastic. The applicant is attempting to consolidate FAR calculations across the block, the blocks here, to justify their proposal. This establishes a pretty risky precedent and would constitute preferential treatment; it's just would be a dangerous precedent. For example, the city would never permit exceeding a site’s FAR or height limit on Grand Avenue simply because a neighboring property is a parking lot or something with a lower FAR. Zoning standards apply to individual parcels, as you know, and allowing this approach undermines fairness

and transparency in land use decisions. Third and finally, these variances conflict with both the city comp plan and the Ford Site master plan, which prioritize density, mixed use, and high-quality urban design. The comp plan identifies the Ford site as the neighborhood node, an opportunity site emphasizing dense development to support transit and sustainability goals. Approving these variances undermines these objectives by drastically lowering density. With the master plan for the Ford site, it explicitly calls for minimum FAR and height requirements to ensure vibrant walkable urban environments. Here again we see these buildings inconsistent with this vision. Granting these variances would undermine long-term policy goals, weaken public trust, and set a harmful precedent for future development in Highland Bridge. In conclusion, these variances represent major departures from the zoning regulations. Lack of evidence of the practical difficulties that are legally required and undue hardship that are required to be found have been submitted. This conflicts with the city's long-term planning objectives. I urge you to deny the FAR and height variances for this and the subsequent application under discussion.

Paul Fiesel- Hello chair Miller and members of the BZA. I'm Paul Fiesel, 1992 Jefferson Avenue in Ward 3. I'm here today to talk about both of the variances being requested or both sets for the this set here and the following one and I'm urging you guys to deny all of these variances for a number of reasons, that these go against the comp plan and the Ford master plan that the city and community have brought about through a lot of many years of work to get to this point. And these requests represent a massive departure from the city's vision for Highland Bridge. And they should not be handled through the BZA process, which really provides limited access for community members to provide input, has difficult access to find the agendas, and the agendas are not sent out too many people. First off, this is a failure to meet land use density goals outlined in the comprehensive plan, which emphasizes higher density in urban areas to support transit, reduce emissions, and enhance economic opportunity. The FAR variance request to reduce the minimum FAR by 50% on block 2B and by 85% on block 2A severely undermine these goals and this would result in an underutilization of high-value urban land at a site intended for dense mixed-use development, which this, these variances also undermine mixed-use development design principles such as outlined in policy LU1 of the comprehensive plan which promotes vibrant mixed-use neighborhoods with appropriate scale and intensity. The height variance requested for three of the four buildings are as low as 12 to 15 feet, well below the minimum that has been set forth by the city and the community through the comprehensive plan and Highland Bridge development plan. Additionally, Highland Bridge is meant to be a transit-oriented development. This site plan does not go along with that. Ford Parkway has a high frequency, A Line, multiple other bus lines that I and my neighbor's utilize regularly and having this limited density at on Ford Parkway definitely goes against that, undermining the policies that have been set out to encourage sustainable transportation and walkable communities. Additionally, the comp plan also maximizes the economic potential of high-value urban sites like Highland Bridge so we can generate tax revenue and create jobs in St. Paul. Both of these, all these requested variances severely reduce the site's ability to generate tax revenue. It proposes these low value single-story structures and a large parking lot, which will limit the site’s commercial and residential capacity. It misses opportunity to attract more businesses and residents to make my neighborhood more, have more vitality as well as bring in more tax revenue. And so, in closing, I urge you guys to reject these variances as they're not consistent with the comprehensive plan’s goals and the Highland Bridge development goals.

Zack Farrell- Reminder to sign in at the end. Hello, chair Miller, members of the BZA. My name is Zack Farrell, I live at 600 Summit Avenue in Saint Paul, and I ask you to reject the amendments proposed, or the variances proposed by the applicant. The applicant and staff report claimed that the proposed FAR and height variances are aligned with the Saint Paul 2040 comprehensive plan and the Ford Site master plan. While they correctly highlight the comp plans goals to increase density, diversify land use and focus investment in neighborhood nodes like Highland Bridge, their assertion that these variances support these goals is spurious. The variances requested do not align with the key policies in the comprehensive plan or the guiding principles of the Ford Site master plan. One, there is a failure to support the density goals. The comprehensive plan prioritizes increased density at neighborhood nodes and opportunity sites to support

transit, reduce car dependency, maximize urban land use by reducing the FAR from 2.0 to 1.0 on block 2B and just 0.3 on block 2A and by significantly lowering building heights, this project directly contradicts these goals. Instead of creating dense, vibrant, walkable neighborhoods, it underutilizes valuable urban land. Two, there's a misinterpretation of policy LU-5. LU-5 encourages flexible building designs to ensure functionality and adaptability. Flexibility, however, does not mean reducing zoning standards like FAR and height. Instead, it calls for innovative approaches, such as vertical, mixed-use buildings, shared parking or phased construction. The applicants request undermines LU-5 by permanently limiting the development's future potential to meet evolving urban needs. LU-7 does not justify reduced standards. Policy LU-7 supports zoning flexibility to adapt to changing conditions but does not allow abandoning the core goals of the comprehensive plan. The applicant has not demonstrated that less extreme solutions such as innovative engineering or alternative financing were explored before requesting these drastic variances. Simply citing market conditions or economic challenges is insufficient justification for these departures. Four, land use policy 29 supports transitions, not underutilization. Policy LU-29 emphasizes thoughtful transitions and building height massing and scale between districts. The applicant's proposal to lower heights to as little as 12 to 15 feet, well below the 40-foot minimum, fails to create meaningful transitions. Instead, it undermines the urban character of Highland Bridge which was envisioned as a dense mixed-use core. These reductions severely limit the site's commercial and residential capacity, undermining economic productivity. This proposal misses the opportunity to attract more businesses and residents that could bolster the local economy. And furthermore, the applicant has not provided adequate documentation such as geotechnical or cost analysis to substantiate that the site conditions present insurmountable challenges. These claims remain unsupported. So in closing, these variances are inconsistent with the comprehensive plan's density, sustainability, and economic goals. Highland Bridge is a once-in-a-generation development opportunity and allowing such a deviations would set a harmful president. I urge you to deny these variances. Thank you.

Chris Smith- Chris Smith 250 6th Street East in Saint Paul. Chair Miller and members of the BZA, I urge you to deny the FAR and height variance request on the grounds that the applicant has failed to demonstrate legally required practical difficulties. Their claims rely on unsubstantiated site challenges, economic factors, and design choices that could have been addressed with better planning. Regarding the FAR variance, the applicant claims that the grade changes, shallow bedrock, perched water tables, and public easements limit the development footprint. However, these challenges are common in urban developments and can be addressed with engineering solutions like tiered foundations or mixed-use design. The applicant has not provided geotechnical or structural reports to show these conditions are insurmountable. Number two, public easements and civic spaces were foreseeable and manageable constraints. The FAR could still be improved with vertical mixed-use buildings or underground parking, but no alternatives or cost analyses have been provided to explain why achieving the minimum FAR is impractical. The applicant's suggestion to calculate FAR at the block level is inappropriate. Zoning variances are assessed at the parcel level and allowing the variance would set a harmful precedent, undermining the master plan's intent to sustain density and high value business districts. Lastly, the claim that structured parking would meet FAR thresholds disregards the zoning standards' focus on a usable occupied space. Alternative parking arrangements such as shared parking across blocks could solve the issue without compromising FAR requirements. Regarding the building height variance, the applicant proposes drastically to reduce building heights for the standalone retail buildings, citing site challenges and pedestrian goals. These arguments are flawed. There's missed opportunities. Lower heights are unnecessary. Multi-story retail or office buildings could meet zoning requirements while maintaining street-level accessibility. Again, no geotechnical or structural studies have been provided to justify that claims that taller alternatives are infeasible or too costly and then the building height, the zoning code permits heights of 40 to 65 feet, yet the applicant proposes heights as low as 12 to 22 feet of 45 to 65 reduction such as drastic deviations significantly alter the character of the development and exceed what is allowable under variance criteria. In conclusion, these variances represent major departures from zoning regulations. Lack of evidence, of practical difficulties, or undue hardship and conflict with the city's long-term planning objectives. I urge you to deny the

request and ensure the Ford site remains a model for sustainable dense and equitable development. Thank you for your time.

Mr. Miller- Just a quick note to the speakers who will be coming forward. We have heard several of the same ideas repeated several times. So, if you can kind of keep it a little tighter.

Bill Lindeke- My name is Bill Lindeke. 956 Charles Avenue in Frogtown. I came over here, I teach urban planning classes at the U of M and the planning class just right up, we came right afterwards. One of the things I try to get across to the students, is having a nice shiny plan and then seeing what happens when it gets implemented. And I tried not to be too cynical with them and, you know, tell them how it works. But I was on the Saint Paul Planning Commission for nine years and a lot of that time was spent on the Ford site planning. But also, we took a lot of cases and saw a lot of things where the specifics of a situation and an applicant coming to us, that we would change our minds and be flexible because there's a lot of parcels in the same city of St. Paul, that I'd say obsolete in the zoning, the city just doesn't have the staff to come in and fix and put T zoning in on these commercial corridors. It was real frustration of mine, and I don't blame any staff about that, it's just that we need to spend more time updating our zoning in a lot of places. This, however, is not one of them. This is probably the most scrutinized piece of land in the whole city. We spent 10 years or more or figuring out exactly what we want to do here and talking to the whole entire, it seemed like the entire city to come up with, you know, reasonable standards about what the vision of this place is supposed to be and that cost a lot of money just to say the least, not in even the direct subsidies but just in staff time and how many people spent a decade thinking about this parcel. And so, I think these variances, especially the height and the FAR changes are pretty absurd, and I think the people speaking in front of me have explained exactly why. This should be kind of a parcel where we kind of hold developers and property owners to a higher standard and there's a lot of financial reasons why that would be too. The city has spent a lot of money in addition to all the staff time and public engagement fixing up the public realm here and putting an infrastructure. The other thing I thought about when I saw this application that was really frustrating to me was how many parcels around the city are, we have one story commercial buildings, strip mall type development, where we're trying really hard to get those property owners to improve them and change something and add density, right? I think about Sun Ray over on the East Side. We had a case at our Planning Commission on the River View Corridor was still a potential project where it was the strip mall down on West 7th by Davern Street and that owner came in and talked about the plight of the property owner and stuff and the city really wanted us to, that owner to put some more density in on that site. There's the Kraus Anderson properties on University Avenue over by my neighborhood. Where there are vacant buildings just sitting there for how long, you know, I got my COVID shot in the abandoned Herberger's store that's just sitting there and I stare at it every day. How do we get those folks to fix up and change those properties in accordance with the city plans on those strip malls sites when we're taking our most planned site in the city history and allowing people to build what amounts to like suburban Culvers and Verizon store stuff you'd find out in Oakdale. It's very frustrating to see that. So, I would urge you to vote against it. I'm just going to think of one more thing and I'll conclude on this that I thought about looking at this. Some of you might be familiar with the City of Minneapolis over to the West. They had this Kmart on Lake Street that sat there for over 50 years. A lot of people found that mysterious. Why is this Kmart in the middle of what should be a street on Nicollet Avenue? The reason it's there is because in 1972 the City of Minneapolis came up with a grand plan for the Lake Nicollet redevelopment. It was the first time they'd ever used TIF money because it wasn't available before, it was a new legislative change. They had this plan for an urban mall kind of thing with a bunch of mixed-use redevelopment, they even cleared all the land on his major corner in the city and then it sat there because the financing fell through for a number of years and the frustration mounted with the city council and the decision makers in the room until they just took the best offer that came for them, which was a giant suburban Kmart store, and that's that there now, and I'd say it was a huge mistake, I'd say, in retrospect, to have that blocking what should be a major public space, an intersection, an opportunity for redevelopment. But so my point is, they took a frustrating situation like this, where you've got stagnation for various reasons and instead of waiting for a

better, for problems to resolve, or doing what they could to get the best outcome, they just took the best offer that came to them, in Minneapolis, and it took 60 years to fix it. So, I don't want to see that happen in Highland. I think like a lot of people have said before me, it sets a bad precedent for Highland Bridge, which should be, a lot of my hopes and dreams were put into this project and to see something so mediocre come out of it is real disappointment. So, I urge you to not to vote for these zoning variances. Thanks.

Teresa Mozur- Thank you. My name is Teresa Mozur. I live at 1068 Laurel Avenue. I am a parent and I'm a frequent visitor of Highland Bridge. I've been thrilled with the public amenities the site provides for families like mine to enjoy. However, these variances are a vast departure from the spirit, promise, and goals of the Ford site master plan and the 2040 comp plan for the City of St. Paul. Highland Bridge represents a welcome and unique opportunity to address our city's urgent need for housing supply and can help reach our sustainability goals through transit-oriented development and I see these as critical elements to supporting our city's long-term prosperity and ability to sufficiently grow our tax base through increased housing density. With that, I urge the board to deny the variances. I encourage the applicant to pursue alternatives that successfully achieve the site goals because Saint Paul needs housing more than we need a strip mall. Thank you.

Mr. Miller- Is there anyone else here from the public to speak in opposition to this variance request? Anyone else to speak in opposition? That's everybody. I will give the applicants an opportunity to come back up and address any of the issues that were brought up by the speakers.

Maureen Michalski- Chair Miller and members of the commission, Maureen Michalski, Ryan Companies, 533 North Third Street. So, a couple of just clarification points too about maybe technical aspects of the proposal that I wanted to make sure that people understood. One, in terms of the overall building height, when staff looked at this project, if the buildings were connected, as commissioner Martinson had suggested along Ford Parkway and we connected buildings B, C, D to building A, we would not need height variances because we'd met the height requirement for the building, for having one building. Because we're looking at it separately as these individual buildings, because we want to add the pedestrian access and break down, and build have the building closer to Ford Parkway, we have a unique circumstance because of that. I wanted to further clarify that the buildings and heights, by the city, the way the city looks at grades and heights, the buildings are 12 to 15 feet but they're actually more like 18 plus feet. So, I think it's a little bit deceptive to say a building is 12 feet because that's just, there's no buildings are really built now, that are that short. But I just wanted to clear make that clarification point, in terms of other, you know, comments from different folks here, I think that we've stayed, as we've stated in our application, this is the project we are proposing today, and we do believe that it meets with the overall goals of the master plan and as originally envisioned. As Sean noted earlier, we are very similar in terms of our overall housing units on this block as originally proposed, and the mix of uses on this block. So it is not a deviation from the original overall number of types of uses on this block, it does meet that, and we want to have something that advances and creates vibrancy along this corridor and in the community and we do believe that this is a great proposal in order to do that, and we don't think it is settling and mediocre point for this. We've heard from a lot of the community members and folks that live at Highland Bridge that they want to see retail here and they want to see adequate vehicular access and parking too and that it's been, you know, a problem at the site. And so, part of this whole development, we have very modest parking here and we've got all these vibrant uses to bring some, some activity in this portion of the site and we do believe that that will be helpful for the long term. I won't go over our practical difficulties. We've stated those in the application, and we believe that they will stand up and are legally viable as well. Happy to answer any questions that folks have.

Ms. Porter- Given that retail has taken somewhat of a downturn, what is sort of the, have you done any feasibility studies just to say, if we do this retail that it is going to be viable, I guess.

Maureen Michalski- Commissioner Porter, yes, members, chair Miller, Porter, members of the commission. Yes. Demand is not an issue in terms of retail at Highland Bridge. We've just been delayed in having a project that we could advance and so that's why we haven't, you know, advanced the retail, but we have interest and on the next application we already have a user in hand for daycare that's interested in that particular property, which is the next application, but it's related here. So, definitely have a lot of interest in the, in the retail on the site.

Mr. Miller- Just to quickly go over the numbers that were presented earlier. It sounded like you initially had 287 units going in and we're at 97 now. So I think.

Maureen Michalski- Block two originally, maybe, I don't know if you can share, block two actually wraps around from Mount Curve and then wraps south to where, I don't know if David, you're able to highlight the 55-plus block there. Block two is a very large block as originally platted and wrapped all the way down to the 125 units that are under construction right now. So, 125 plus the 97 is where we're at, so I think that's 222 units on the block. So that's the block two as originally in them, in the original redevelopment agreement and plan. If that clarification makes sense?

Mr. Miller- Yeah, but we're not using block, that portion of block two to determine any of these floor area ratios. Are we?

Maureen Michalski- No, we're not. That's not what's the application is. The question was, is block two this, because they were planted originally as these large, these large parcels that include, now they're platted a little bit differently. We wanted to make sure we were looking at the entirety of block two to give you a comparison of the number of units, which is the question you asked, and the uses, which is the information we provided, so that you have an apples-to-apples comparison of what the physical area we are talking about now versus then.

Mr. Miller- David, could you cycle to the Block 2B massing concept rendering.

Mr. Eide- Is it, do you guys know this better? Which one is that? In the packet?

Mr. Miller- In their application. It is somewhere near here.

Mr. Eide- This is the packet that you were provided.

Mr. Miller- Go down. Let's scroll down. Any of those right there. Yeah, it, and maybe this is a question for staff too, like it seems like what the intent with the master plan was that this is what the retail, and this is what this would look like in general across that block. This is what it would look like on Ford Parkway. It seems like most of the people that came to speak today are saying that just the one level retail was not ever envisioned for this site in any way and while you're able to accomplish it there and not on the other buildings, I think, is the sticking point for me. I understand that there's some great changes, but is that, is that not something that you can accomplish?

Maureen Michalski- That is correct, that's not in our application.

Mr. Miller- Okay. Any other questions for the applicants at this point? Okay.

Mr. Diatta- Chair Miller, Board Members. So, this development, I think, one way to look at it is not in silos. This is a huge development. Every individual development ties into another one, so while we can look at the individual parcel, I think it may be misleading because looking at it globally, they are within the vision of the master plan and also the, the comprehensive plan. But if we just look at individually, maybe not. But again, one thing to bear in mind, this is a development that moves sort of globally, not in silos.

Mr. Miller- That's not how we tend to view these things though. We don't say because four blocks down in the City of Saint Paul, there's a bigger building, therefore, it's okay to build a smaller building, you know, on this block, so I, we've never been asked to view things in that way before.

Mr. Diatta- That is correct but I'm just saying if we look at it sort of in a tiny dimension, you're right. But if you come out, sort of you're coming into the site, looking at the whole development visually, to me, it's totally fits, in my opinion.

Mr. Eide- Chair Miller, on this block, there was, our system was down so I couldn't dig into these staff reports a lot, but there was there were some FAR stuff on this block, where it was like one was too high but then the other one was under and then overall it was okay, on this block specifically. So, with the medical office building and these two residential buildings.

Mr. Miller- Any other questions for the applicants? Okay, you guys can take a seat and I will go ahead and close the public portion of this hearing of this case and open this up for a discussion or a motion.

Mr. Martinson- So one of my observations about this is that this is, this is the, the front, the gateway to the entire Ford site, the Highland site, and the vision for that was not to have suburban looking one-story commercial units like are being proposed here and the other part of this that really sort of doesn't sit well with me is I access that Lunds & Byerlys and amenities in that neighborhood and I go to the dentist across the street from there, and I access it normally about 90% that time either by foot or by bike. I don't go there by car and, but I do observe the car traffic that's around there and the parking that is there and it's not my personal sense that there's an extreme shortage but it is very clear that this design is very car-centric and there was no discussion of transit in the presentation or in the application and yet there is the A line that runs here and we've been trying to encourage Metro Transit to be more, I mean part of the conversation, going back to what Mr. Lindeke talked about was how do we get more transit involvement in the entire build out of this site? And when I see what's being proposed here is an enormous structured parking lot around very suburban looking low level buildings, that just doesn't strike me as what the objectives of the master plan were really driving at and so it, while there's language is used to talk about pedestrian activation, I think this is actually anything but that. I walk on that sidewalk there and I ride on that bike path that's on that grade and I just don't believe that it's impossible to make that. I mean especially, there's the medical office building just to the west and there's the other commercial buildings just to the East and I'm just not persuaded. So, I will be voting to deny the variances that are being requested here.

Mr. Miller- Any other discussion?

Mr. Benner II- Thank you, chair. Excuse me. I too am getting over a little cold as well. You know, I walk the site often. I live just around the corner, up the, up this hill. I don't necessarily feel, think this has a suburban feel as many people have described. It is much closer to the sidewalk then you would have in a traditional suburban setting. The parking would be in front, not behind the buildings, so I do appreciate the developers for considering that aspect of it. My beef is less with the actual development itself and more so what the policy that was set forth by the city that kind of put us in this position. I think the zoning was an after sight when the creation of the master plan happened and so, which is why we have 13 variances in front of us and it just doesn't quite sit right to want to, you know, to approve something like this, with this many variances when a text amendment or a code change would be more appropriate. With that said, this site, as we all know is currently vacant and will continue to sit vacant because I don't believe Ryan will probably develop something or propose something that's going to meet everyone standards in this room and so I think that's important to know as well. You know, as urban planning changes. No one has a crystal ball to understand how these developments will change over time, how markets change. You know, obviously pre-COVID, things will be much different than, I'm sure when the planner of that time was planning this, they had high hopes for the site and as we know as we look across the city, many of those dreams are not happening because of things that, as life happens and a7s cities change and as

markets change. And so, the alternative is, it is going to continue to sit. The city will not get taxes on it, or we can consider how we can make, if there's issues, how we can make things better with the site. I think that's something we can look at. I do appreciate the pedestrian access from Ford Parkway. I was just at the Fairview Clinic just west of here the other day and I found a pretty easy to walk into the building, no problem. So, I appreciate everyone's time to come and speak, you know, I will say, I don't love it either, but I understand that that doesn't really matter. And also, the fact that we have to try to find a balance with one, with all the particular market forces were at, what we've had, and also just the understanding that, you know, one this was, when this was first designed, I think it was way too prescriptive and so this is more a policy issue with me for the city than it is the actual development itself.

Ms. Porter- I would say that I heard a lot of compelling arguments, you know, from the community, from folks at here at the public hearing and I also think that we need to find that balance and if that means having the developers take a second look at what needs to be done, then that would be my suggestion, rather than to rush into something. So.

Mr. Miller- My only comments are that I feel that the demand for housing has not gone in the other direction since this planning was put together. Would anybody like to make or propose a motion?

Ms. Porter- Maybe a question, if we were to lay it over to give more time for discussion between, I don't know how that work, is it, is that a possibility?

Mr. Eide- Chair Miller, board member Porter. Yes, you could lay it over, potentially other member—I have confirmed four people are attending that meeting. I'd have to check to see if they're different people, but yes, you could choose to lay it over if you wish, to be on the 23rd then, or January 6th. Our 15.99 is January 16th, but it has not been extended. Yeah, it's the same for both applications.

Mr. Martinson- I guess I'm not convinced that laying it over is going to get us the information that would change my mind about these things, you know. So, we haven't seen, as was documented by some of the folks who testified, we haven't seen any of the geotechnical studies or the structural studies that would actually back up the claims that are being made. So, I don't, unless they're going to be able to do that in that two-week period, I don't think laying over is what I would like to do.

Ms. Porter- Would that give them more time, for that very reason you just stated.

Mr. Benner II- Also would that change your mind?

Mr. Martinson- If I were to see compelling geotechnical studies about this, I don't think I will, but if I were, it might change my mind. Yeah.

Mr. Benner II- I'm not terribly familiar with geotechnical studies, so what would make it more compelling for you.

Mr. Martinson- Well, I just don't know how you build all the, there's tall buildings, taller buildings all around this site. I find it very hard to believe that this site is just that unique in its makeup geologically speaking and hydrologically speaking. So that's why I think, you know, I just don't know that. Why weren't they presented in their application if they could produce that kind of evidence? So yeah, that's I guess my thought.

Mr. Miller- There's also a chance that a motion is probably not going to pass and it will end up there anyway.

Mr. Diatta- Chair and board members. Something to keep in mind is that if you were to, which is fine, if you were to go against staff recommendation, you have to go through all the certain variances and make a point where you think that staff has erred.

Therese Skarda- That is correct. As members, you must consider the record as a whole before you, and if you're going to go a different way from staff recommendations, you need to come up with specific findings and reasons in the errors as to why you believe that staff made an error.

Mr. Miller- On each of them that the board member would disagree with, not necessarily all of them.

Mr. Diatta- That is correct.

Mr. Miller- If someone felt that it didn't fit the master plan, they could just state that as a reason for denial?

Therese Skarda- Potentially. Obviously this is subject to appeal, so you're going to want to come up with…

Spencer Miller-Johnson- Excuse me, chair. I'm Spencer Miller-Johnson. I'm a senior city planner with the city in the Planning and Economic Department. I've just been observing today and sorry to interrupt.

Mr. Miller- Actually. Hold on.

Spencer Miller-Johnson- I work for the city. I'm staff. Is it okay, Mr. Diatta?

Mr. Diatta- He's one of the planners in PED. Spencer Miller-Johnson. So, if you think is appropriate for him to bring clarification, fine, if you don't, that's okay too. But he's asking if he could sort of highlight something.

Mr. Martinson- I'd like to hear what staff has to say.

Mr. Diatta- It would be up to the chair to open up or close.

Therese Skarda- He is Staff. Yaya can still comment. David can still comment. So, he is Staff. He worked on this decision with you, correct?

Mr. Eide- Who, Yaya?

Therese Skarda- With staff. He was part of this?

Mr. Eide- He's looked at the, Spencer's looked at this plan before they submitted their application.

Mr. Diatta- You worked on the master plan, didn't you?

Spencer Miller-Johnson- Yeah, I mean, excuse me, I'm sorry. I thought that it was standard for staff to be able to chime in regardless, like in Planning Commission and stuff, I'm pretty sure that's common, so I apologize if that's a departure from how the BZA runs things. But yes, I administer the Ford Side Zoning Public Real Master Plan from PED's perspective and so I'm familiar with the intent and the F districts and that's just why I wanted to offer my assistance if it would help you all today.

Therese Skarda- I think if the board wants to hear your assistance or the information you have specifically, that's one thing, but to just kind of pop up is.

Spencer Miller-Johnson- Right. Again, as staff, I didn't mean to just pop up, I just could see that there's some conflicting and challenging opinion. This is a really complex case. And so I am familiar with the F districts and can offer, you know, input on the intent of the master plan and if it's helpful and that's honestly all I wanted to say, I'm not actually, I just wanted to let you know I'm in the room and available as a staff member in PED to provide feedback and assistance.

Therese Skarda- That's helpful. And I believe that would be appropriate, you offering.

Spencer Miller-Johnson- Okay. So, I'll just sit, I'll sit here. That's my offer, if it would be helpful for you.

Therese Skarda- Thank you for the clarification.

Mr. Benner II- I guess, so Spencer, you know this is a huge deviation of what we've seen, what was proposed, what was discussed across community for ten years or so. Right, long time. What is staff's opinion, from your perspective, you've worked on the implementation of this, what is, why should the BZA consider approving something or recommend approval of something that's been completely gone to the left of what has been proposed initially.

Spencer Miller-Johnson- Commissioner, chair Miller. This is a deviation from the F5 district, it does, you've seen the application that the minimum height and the minimum FAR do hold a strong line and on staff, we do really try to hold strong line on the Highland Bridge development. It is a very important development to the city. So I do agree that it's a deviation from those standards. It's not, it's not a perfect plan, and it does in some ways meet the intent of the F5 zoning district. But the vision was for more intense development on this site. So, it's, there, so it's a complicated. It's a complicated site to work with. I do want to clarify, though, that the plats, the plat for the site does include the public amenity space, the civic square, the public easement for sidewalk. That was all originally done with the Ford Master Plan. So, Ryan Companies is aware of those as they work to build out the site. So, I know that they're trying to, you know, connect to those spaces in an adequate way. They also heard from staff that the public connections from Ford are very particular are very important. And so, you know, I know they're working to meet the grade and provide pedestrian connections at that component. One clarification, though, is that I heard that there was feedback on kind of downsizing the scale, and I wanted to clarify that staff did not provide feedback to downsize any of the scale of development. We provided feedback to make sure that it had a better relationship to the public realm than the medical office building just the west. So, I do want to just clarify that.

Mr. Benner II- Thank you Spencer, that's super helpful and just kind of another clarification. You know, it sounds, you know, when you mentioned that the, this particular plan is complex. I think. Maybe we'd say complicated. I'm not going to put words in your mouth, but understanding the complexity of this and of course, I'm asking for your opinion here, do you feel that this particular plan was too overly prescriptive and ambitious in some ways and this is why we're in this position today, in some ways?

Spencer Miller-Johnson- Well, I think there's… Commissioner, Chair Miller. There's a couple reasons I think, why you are in this particular in this position today. Part of its procedural, I think you asked the question, commissioner, earlier about the variance application coming through BZA, and obviously, you are, are the entity to do that. In the past, when we've reviewed complex changes to the master plan, they usually have included a master plan amendment component, which gets routed through Planning Commission. So, because this does not, the applicant did not apply for a master plan amendment in any capacity, it, the variance application is coming to you all and it's a challenging place to be when typically these have been routed through Planning Commission that also had a role in writing the plan, as Mr. Lindeke, he indicated earlier, that understanding the complexity of the site and the nuances of how this has an interplay with everything else, can be challenging when it's just put in front of you today. So that's part of it. The plan is definitely complicated and it's definitely prescriptive. I understand why it is the way it is. I didn't help write it. I'm just helping administer it, but I understand that when you want to get good development and good design, it, and you have a lot of community feedback that goes into visioning a plan, as a planner, you want to write standards that will directly get you that result. So this plan operates like a more of a complex kind of form based code where you're, where you're trying to be really prescriptive about a specific development type that you're trying to get. So I understand why it's the way it is. Now, it is providing some administrative challenges on our end now, especially with market changes facing us today. So it's an, you know, it's a means to an end that has pros and cons, to be honest. And it's on staff, we do want to do our best to hold the line with it as much as we can, also working with the community and the developer to get something done.

Mr. Benner II- Yeah, I just, chair if I may. You know, it's not that I. I'm sure the BZA is very capable of making a decision on it, you know. But it's more so that if there's a better, from a procedural perspective, there's a better way to handle these variances, like through a master plan amendment, that seems the most appropriate, but again, you know, just so if you can kind of share your insights on, you know, if that would be like, what would that look like for us, or for the applicant, rather.

Spencer Miller-Johnson- Sure, commissioner, Chair Miller. So these variances are tied specifically to this project. So, from a staff perspective, when we are, you know, talking to the applicant, the developer, in pre-application meetings, we didn't advise a master plan amendment or text amendment component to this because we still want the F5 District to have the same level of standards envisioned for other sites that will be developed under F5 theoretically, right. And also, all of the F districts have relationships to one another, so if you mess with some of the standards in the like density and intensity levels of one, it'll have kind of have ripple effects on the other. It's totally possible and we have, you know, we've modified the master plan many times since 2017 but for this specific project it seemed it seemed like this could operate ideally as a one-off and the master plan amendment, then the master plan can still maintain its integrity for future projects.

Mr. Benner II- Thank you. I'll make a motion. Yeah, I really appreciate the additional piece of information, Spencer. I think that's helpful for the context. I think, given, you know, where we're at in terms of all the issues that staff mentioned and the grade changes, city policies, what have you, I think there are a number of difficulties presented today that leave me to move approval of all variances requested. Yeah. I'll leave it at that.

Mr. Martinson- I'm sorry. I missed a little bit, a couple of your words. Could you repeat please?

Mr. Benner II- Given staff's additional context along with the practical difficulties in terms of the grade changes with the different elevations, I think it is reasonable to allow the variances as requested, so I move approval of all of the requested variances.

Mr. Miller- Do we have a second for approval? We have a motion without a second. I believe that motion does not pass, is that correct.

Therese Skarda- It's my understanding.

Mr. Miller- Would anyone like to propose another motion or continue the discussion? I think that I'm with Mr. Martinson and I don't think that the practical difficulty is established for all of these requests.

Mr. Martinson- So can I, chair, can I? Oh, I'm sorry. So, with respect to the requirement that we provide our rationale and our logic for why we would deny each of these variances, I would, I would make the same claims for denying all of the variances and that it is, I think that the plight of the landowner is not due to circumstances unique to the property and created, that they were really ones created by the landowner themselves and, but I if I had to do that documentation, I would, I would need more time personally to go back to the comp plan, to go back to the master plan and to, you know, chapter and verse document those things if that is in fact what is required. And if that is, what would make it more likely to stand on appeal, which we can count on. So, so I guess I'm back with commissioner Porter maybe say what we need to do is lay this over so that we don't have a motion that can pass now, unless you want to make a motion. I think that's where my thinking is. We're still in discussion.

Mr. Miller- And I think given the makeup of the board members here, even if you were to make a motion to deny, I don't think that would pass either and we're going to end up in the same place.

Mr. Martinson- All right, so with that then and in the interest of time and moving ourselves on, I move that we lay this over until either the 23rd or the 6th of January.

Mr. Eide- Chair Miller, the 23rd, Schweitzer is able to attend. And then I didn't hear from Porter. We would have four the minimum. If Porter attends, then we'd have five, so, I'm just saying we should have quorum. It's the 23rd of December.

Mr. Miller- The worst case, we lay it over till the 23rd and since it's right before the holiday, we might not, the motion might not pass again, which I think is unfortunate. The makeup of our board. It's frustrating.

Mr. Benner II- Laying it over, what are we looking to accomplish?

Mr. Martinson- It would give me more time to document, to make a motion to deny the variances based on specific points from the comp plan and the Ford site master plan, and I guess the other thing I'm wondering about is if there would still be, and maybe this is a question for Mr. Miller-Johnson. I'm sorry, is so I believe there was a request somewhere along the line here recently that this item of business go before the Planning Commission, in which case the Zoning Committee of the Planning Commission would be weighing in on this and that wouldn't necessarily be an amendment to the zoning code. Yeah. So is that.

Mr. Benner II- You're suggesting that this go to the Planning Commission?

Mr. Martinson- And I don't know if that's possible at this point since it already came here, but I did see something from the city that there was a request that came in and I forget from where it originated, but I did see it. Maybe in the ENS system somewhere, requesting that this item of business go to the Planning Commission instead of to the BZA. And I don't know if an option remains on the table or if we've now moved beyond that it.

Mr. Benner II- How would that change though, make a difference?

Mr. Martinson- Well, it would, it would mean, the Zoning Committee would have this debate and this deliberation, and they would be weighing the evidence, and they would be taking testimony and then it would go to the Planning Commission for a decision about this, instead of here. And it is, I apologize. This is part of my learning curve still is that it's not crystal clear to me yet, and I serve on the Planning Commission as well as on this body and it's not still clear to me when decisions are made to bring items of business here versus items of business to the Planning Commission, so.

Mr. Eide- Chair Miller, Board member Martinson. Standalone variance requests would go to the Board of Zoning Appeals. If there was a conditional use permit or rezoning, then the Zoning Committee and Planning Commission can take variance requests along with that. This came up a while ago with the soccer stadium because a similar thing happened, and people wanted it to go to Planning Commission and the response was no, that can't happen because—

Mr. Martinson- Because it was no conditional use permit?

Mr. Eide- Yes, it's just a straight variance so it would come to the—

Mr. Martinson- I've asked, I've asked the staff and chair at Planning Commission for information or clarification of this as well, just hasn't happened yet, so that's helpful. Thank you. Okay, so no conditional use permit. So really, the purpose in laying it over for me would be just that, so that I could buy some more time to try to tack down, to make a motion that that might pass. Although we, again, as chair Miller has noted, that motion might not pass either.

Mr. Miller- So laying over I think is effectively what is happening anyway. I mean, that is automatic if we can't move.

Ms. Porter- I just want to comment that I am unable to make it on the 23rd due to proximity to the holiday.

Mr. Diatta- Chair Miller, board members, I do appreciate you taking the time to sort of listen in and staff and also the audience to chime in on this. It is a complex case. A lot of variances—thirteen. I've been here for 23 years, I've never had a case with thirteen variances and to compile, to compound to that, the fact that we had our system down for 48 hours last week, so we didn't have time to get things done until Saturday. David had to work to get the staff reports. So that obviously doesn't give you time to sort of read the staff report and come up with your own sort of perspective, in terms of whether you're going to go with it or against it. So, I do appreciate that if you decide to lay it over, it does make sense, to give time for you folks to sort of dive into all the findings and come up with a strong base to go one way or the other.

Mr. Miller- That makes sense to me too. In choosing the date to lay over to, I'm…

Mr. Benner II- It has got to be the sixth, right?

Mr. Miller- Yeah, I think replacing Benner with Schweitzer is, we're still going to be.

Mr. Eide- Chair Miller, Dayton's able to attend on the 23rd. So, we would have four.

Mr. Benner II- Do we really want to risk a BZA hearing two days before the Christmas holiday? For the sixth. I guess it's up to the applicant. Why risk that? Just put it to the sixth.

Mr. Eide- Yeah, chair Miller, we're okay till January 16th and this can be extended on another 60 days.

Mr. Miller- The best chance to get the full board, have a seven-member board president for something like this, I think we can emphasize that to the rest of the board, I hope.

Mr. Eide- Maybe in the motion just vote to lay over to that certain meeting date, January 6th.

Mr. Miller- Martinson, is that acceptable?

Mr. Martinson- Yeah, I can modify my motion, if I may, to recommend that we lay this over this matter to the January 6th meeting of the BZA, in order that we can have a fuller panel of our commissioners present for the vote.

Mr. Miller- Do we have a second for that motion?

Ms. Porter- Second.

Mr. Miller- Moved and seconded.

Ms. Linston- (Roll call) Benner II- (No.) Porter- (Yes.) Martinson- (Yes.) and Miller- (Yes.)

Mr. Miller- The motion does not pass. Where does that leave us?

Therese Skarda- Well, you can adjourn and try and rouse up some more members or, you know, bring up more members or I would recommend that it's laid over.

Mr. Miller- So, if a motion doesn't pass, is it automatically laid over till the next meeting date?

Mr. Eide- I would presume, you would just put it on the agenda as old business.

Therese Skarda- And I'm just checking with a colleague because I don't believe this has happened in quite a while. It's laid over for the next meeting. There's a technicality in the rules that it's laid on the table, but it's, we don't do that in Saint Paul, so that's where I was struggling. It's laid over.

Mr. Martinson- Laid on the table versus laying over. Okay. Yeah. Okay.

Mr. Benner II- Thanks for the clarification. Chair, what about the last case? That would be in the same boat. There are two of these.

Therese Skarda- I would make the record you need to make.

Motion to Lay Over Moved by: Martinson / Second by: Porter 4-1, Motion Failed

(Per Saint Paul Legislative Code § 61.203(b) no action may be taken unless at least four (4) members vote in favor of such action. Accordingly, this motion did not pass.)

This case is to be placed onto the January 6, 2025 meeting agenda under old business.

0 Cretin Avenue South (Highland Bridge Block 2C):

Chair Miller- The applicant is proposing to construct a commercial building on this vacant property in the F5 business mixed district. Six zoning variances are requested. One, a floor area ratio minimum of 2.0 is required; a floor area ratio of 0.3 is proposed for variance of 1.7. Number two, a minimum building height of 40 feet is required; 18 feet is proposed, for a variance of 22 feet. Item three, the Ford Site Zoning and Public Realm Master Plan design standard G15 requires at least 50% of the length and at least 30% of the area of the ground floor along addressed sides of the building and sides that face open space to consist of windows and doors or openings for new commercial buildings; 40% of the length and 15 percent of the area is proposed along the south side for variances of 10% and 15% respectively. Four through six, the Ford Site Zoning and Public Realm Master Plan design standard S12 requires the bottom 12 feet of portions of the ground floor not dedicated to residential units along urban center frontages to be a minimum of 65 percent transparent glazing; 50% is proposed for the northern façade, 45% has proposed for the eastern façade, and 25% is proposed for the northwest façade, for variances of 15, 20 and 40 percent respectively. Mr. Eide?

Mr. Eide- Thank you, chair Miller board members. David Eide again with the Department of Safety and Inspections. I have a rendering looking to the northwest of the proposed building. Now we're on block 2C. So, you see the block 2B that we just heard, discussing, and now we're on block 2C. Maybe I can pull up a map site plan here. All right, so this is a new 0.7-acre property on the west side of Cretin Avenue South between Ford Parkway and private Hillcrest Avenue. Hillcrest Avenue is proposed to provide vehicular access on the southern side of the site. A civic square is proposed to the north of this property and a pedestrian easement that was talked about occupies the northwestern side of the site providing access between the civic square and the Hillcrest private drive. The surrounding land uses are; to the north we have that civic square, that's proposed. To the east, mixed-use, which is the Lunds & Byerlys that had a variance of the 65% window requirement. So here is the, you can see the senior housing that's under construction. This is private, Hillcrest, this is the 2C, this is the mixed-use building to the east, to the south is senior housing. There's a mixed-use component to that senior housing too, so, it's got some commercial space, and to the west is vacant, the proposed mixed use that we just talked about. I put the Ford F5 district table in here that talks about the FAR and then the master plan sections G15 and S12 once again. All right, so this is kind of the site plan here. To get into the findings that the variance is a harmony with the general purposes and intent of the zoning code. The proposed commercial building is consistent with the purpose and intent of the F5 business mixed district, to provide for a variety of multi-family, residential, retail, dining, office, and service establishments with buildings oriented towards the public right-of-way and ground floor activity that transitions between the outdoor public spaces and indoor uses. The proposed commercial building with the requested variances is consistent with the intent and purpose of 60.103. So, that finding is met. We have some elevations of the exterior that might show how it relates to the street. You'll be able to see inside as a pedestrian. In the official documentation that was submitted, it didn't exactly say the use, but the applicant did mention, they're thinking of a daycare use or something like that and the district council letter, in their letter supporting the request, they mentioned a day care. Finding two regarding the comprehensive plan. Again, the staff report found that it

was met, citing LU-5, LU-7, LU-25 and same type of deal with the glazing. While it doesn't meet the exact glazing requirement, the amount will contribute to a vibrant and active space that allows pedestrians to see into and out of. So that finding was met. You can see clearly along the sides, they're proposing lots of windows. It's difficult with the multi. Basically, every side needs to be activated. So, they worked with the multi-side development. Regarding practical difficulties the property is abnormal shape with pedestrian easement across the northwest side of the site which provides access between the civic square and the civic plaza. The property to the north is the civic square. The pedestrian easement is not usable for construction. These elements created the unique shape that create difficulties constructing a development that complies with the FAR requirement. In addition, when examining this lot with block 2B and 2D the FAR is approximately 1.7, which is close to the allowable FAR. With the development of 2A, the overall development's FAR could increase further. The size, shape of the property, and solid bedrock along with the 5-foot grade change across the property create practical difficulties. Regarding the height, the proposed building provides for building height interest, providing relief from the building to the east which obtained a zoning variance to be over the maximum and the taller building to the south and the proposed four-story building to the west. The height is similar to the proposed retail buildings proposed on block 2B. The proposed 18 foot building height is reasonable for this property and I note that we measure building height to the top of the roof deck, so the parapet actually is taller than that. That might have been with the applicant was discussing earlier. The size, shape, slope of the property are circumstances unique to the property not created by the landowner. The Ford Site Zoning and Public Realm Master Plan standard G15 requires that for new live-work mixed-use, in this case, commercial building windows and doors shall comprise 50% of the length and 30% of the area. The parcel, with essentially, four sides that require high quality design and no back area make designing a building with window and doors or openings difficult given the typical requirements for back of house spaces. The proposed facades are consistent with what is proposed on 2B. The unique four-sided nature of the property creates practical difficulties with the G15 and S12. So that finding was met for all of the requests. The plight of the landowner, the unique shape of the property with four frontages to activate along with the shallow bedrock and slope on the property are circumstances unique to the property not created by the landowner. That finding was met for all of the requests. Regarding uses, a commercial building is permitted. If it's a daycare, a daycare is permitted as well as lots of other retail type uses that would fit in there, office and whatnot. So, that finding is met. Regarding the essential character. Highland Bridge is planned for several types of uses including office, mixed-use, multifamily, congregate living and whatnot and the districts provide for a variety of building types, density, dimensional standards, and this new development could fit in with that. So that finding was met for all the requested variances.

Correspondence: Regarding the District Council recommendation. The Community Development Committee of the Highland District Council submitted a letter supporting the requested variances, and they submitted a separate letter for this development. So, it wasn't the same. Staff did receive no correspondence for this this request, any of these. And then based on findings 1, through 6, staff recommend approval of the requested variances. And if you have any questions, I'm happy to answer.

Mr. Miller- What's the grade change on this property?

Mr. Eide- The applicant in their application mentioned five feet.

Mr. Miller- Okay. This died.

Mr. Eide- Oh, I'm sorry. I have a spare.

Mr. Martinson- I got one here if you want.

Mr. Miller- No, I'll be okay. I might ask you to repeat some information so I can look it up. Okay. Any other questions for staff? Now I've got to rethink of what I was thinking. Well, I imagine the questions will be shared again. So, let's go ahead and bring the applicant back up for this one, and go through the whole process again, name and address.

Sean Ryan- Sean Ryan, 533 South Third Street in Minneapolis.

Maureen Michalski- Maureen Michalski, same address, Ryan Companies. So maybe I'll just start with just some highlights here on this particular development. While we acknowledge that the city looks at these parcels independently, this is, we look at this as overall with the block two. This particular parcel highlighted in yellow is 0.77 acres. So it's a, it's a small parcel because of the Civic Square to the north and the pedestrian easement to the West. It creates an odd-shaped parcel. Combined with obviously the activity on Cretin Avenue and Hillcrest Avenue, the vehicular access and transit access there. We have a four-sided building on an odd shape, which is, creates some practical difficulties in terms of what it can be and what we can do on this site and how we can provide a use that has enough parking and other things. As you would note, it would be difficult to do underground parking on a parcel of this size and have it be, especially given the shape and what not. And so that's why we look at this building as an overall with this block. But that's some of the things on this particular site that create challenges. We do have a daycare user that has, we are close to a lease on that would like to occupy this space. And we would think that we think that would be a great use for the community. The community is excited about that, and we think it would be a good companion to the other things at the site. Our practical difficulties and in details are in the application. You're familiar with those. I don't need to restate those but happy to answer any questions you might have on the project.

Mr. Miller- Any questions for the applicants? I don't see any at this point. You guys go ahead, take a seat. I may call you back up. Is there anyone here from the public to speak in favor of this variance request? Anyone to speak in favor? Is there anyone here from the public to speak in opposition to this variance request? And same routine.

Opposition:

Zack Farrell- I'll be brief. Thank you. Hello chair, board. My name is Zack Farrell, I live at 600 Summit Avenue. I would like to just refer to my previous testimony from the other site. Similar concerns apply. And then point out specifically that in this one, the challenge that was pointed out on the previous site of grade change is irrelevant. A grade change of five feet is not a practical difficulty on any site in the city. And the, this site doesn't even have the additional residential height of the other building at the other end of the site to lean on to meet, you know, to partially meet that requirement. So, I'll leave my commentary at that.

Mr. Benner II- Thank you for staying for the marathon with us and giving additional testimony. I'm curious though, if there was a building developed to the standards of the zoning code that didn't need any variances, you have the additional height and floor area ratio and it would sat vacant, would you rather see a building in sit vacant due to, you know, potentially no one leasing the space, not being attracted to it, or would you rather see a one-story building that's active on the corner or, you know, or it's going to stay vacant?

Zack Farrell- So the vacancy rates in Saint Paul for the residential have not been high and so if additional stories on top are built as residential, I do not believe that would stay vacant. That's demonstrated by the residential buildings that are all around this site, that are filled in. So that just leaves the first floor commercial, which would be the same situation either way.

Mr. Miller- Thank you. Is there anyone else from the public here to speak in opposition to this variance request? Anyone else to speak in opposition? Considering none, I think I can go ahead and close, unless the applicants want to come back up to address what our speaker just said, it would be repetitive probably from the last time. Then I'm going to go ahead

and close the public portion of the hearing and open this up for discussion or a motion. So, if we want to follow the same suit as the last one or if we would like to just go ahead and probably lay this one over are a couple of thoughts. I'm not sure it matters which direction we go.

Mr. Benner II- I'll make a motion to lay this over to consistent with the previous case to January 6th.

Ms. Porter- Second.

Mr. Miller- We have a motion to lay over until January sixth and seconded. Roll call.

Ms. Linston- Martinson- (Yes.) Miller- (Yes.) Porter- (Yes.) Benner II- (Yes.)

Moved by: Benner II / Second by: Porter **Laid Over to January 6, 2025 4-0**

Mr. Miller- All right. That concludes our business for today. We'll go ahead and adjourn.

The meeting adjourned at 5:11 p.m.

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Jan 7, 2025 07:31 CST)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Jan 6, 2025 18:12 CST)