GENERAL MINUTES
THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
JANUARY 6, 2025

BOARD MEMBERS PRESENT	STAFF PRESENT	
Daniel Miller	David Eide	DSI
Jerome Benner II	Yaya Diatta	DSI
Chris Schweitzer	Maxine Linston	DSI
Megan Dayton	Josh Ladd	City Attorney
Brian Martinson		
Marilyn Porter		

ABSENT BOARD MEMBERS: Clarksen

APPROVAL OF MINUTES for DECEMBER 9, 2024:

Moved By: Benner II / Second By: Martinson, Approved 4-0, 1 Abstention

APPROVAL OF RESOLUTIONS: None

Old Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
24-095781	2200 Ford Pkwy (Highland Bridge Block 2B) - Ryan Companies US, Inc. (Sean Ryan)	Martinson	Schweitzer	4-2	Requests 1, 2, 3 & 4 Denied
24-096392	0 Cretin Avenue South (Highland Bridge Block 2C) - Ryan Companies US, Inc. (Sean Ryan)	Martinson	Schweitzer	4-2	Requests 1 & 2 Denied

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
24-100429	1282 Concordia Avenue – Concordia University, St. Paul	Benner II	Schweitzer	6-0	Approved

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Feb 4, 2025 09:44 CST)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Feb 3, 2025 16:56 CST)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
JANUARY 6, 2025

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

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

Legal: City Attorney Josh Ladd

ABSENT: Mr. Clarksen

The meeting was chaired by Daniel Miller and began at 3:02 p.m.

Mr. Miller- 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 a discussion will follow. I will then call upon the applicant, then those in favor, then those opposed. At that point the board may call back the applicant in case we have additional questions. I will then close the public portion of the hearing and the board will vote to approve or deny the request. The board's vote is final unless appealed to the City Council within 10 days. We will take the cases—actually, we're going to move one case. We're going to do Concordia first because it'll be quick. A few words on speaker time. The board limits this to a total of 30 minutes for those speaking in favor an equal 30 minutes for those speaking in opposition. Individual speakers are limited to three minutes each. Please be mindful of this. If you have submitted a letter or email, 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 the Department of Safety and Inspections are David Eide, our legal counsel is Josh Ladd, our secretary is Maxine Linston, and 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 role of those board members in attendance for today's hearing.

Ms. Maxine: Attendance Roll Call- Martinson- (Here.) Schweitzer- (Here.) Miller- (Here.) Benner II- (Here.) Dayton- (Here.)

Board member Porter arrived at 3:06 p.m., joining the board for the 1282 Concordia Avenue (24-100429) case.

Approval of Minutes for DECEMBER 9, 2024

Mr. Miller- Our first order of business is the approval of the minutes from December 9, 2024. Is there a discussion or motion?

Benner II- So moved.

Ms. Linston- You two said it at the same time. Dayton & Martinson.

Miller- Martinson second.

Martinson- Second.

Ms. Linston- Roll call: Schweitzer- (Abstain.) Miller- (Yes.) Benner II- (Yes.) Dayton- (Yes.) and Martinson- (Yes.)

Moved By: Benner II / Second By: Martinson **Approved 4-0, 1 Abstention**

New Business:

1282 Concordia Avenue:

Chair Miller- The applicant is proposing to install two new wall signs to identify a couple of buildings on the Concordia University, St. Paul campus. The H1 zoning district permits one identification sign not exceeding 30 square feet on each frontage. Four variances are requested: 1.) The Marshall Avenue frontage currently contains two identification signs; the applicant proposes to add a 47.34 square foot sign on the south side of Luther Hall; for a variance of one sign and 17.34 square feet of signage. 2.) The Hamline Avenue frontage currently contains 5 signs; a 92.66 square foot sign is proposed on the west side of the Lutheran Memorial Center, for a variance of one sign and 62.66 square feet of signage. Go head, Mr. Eide.

Mr. Eide- Thank you, chair Miller and Board members. David Eide with the Department of Safety and Inspections. You'll see a different name on the staff reports. My colleague Pang Yang wrote the staff report and was unfortunately not able to attend today so I am presenting it to you, but I am familiar with this request. So I have up, hopefully, you're familiar with Concordia University. It's located at the corner of Concordia Avenue and Hamline Avenue North, occupying 16.61 acres. The property is currently used for institutional purposes and serves as a major educational facility in the area. Concordia University seeks to improve campus visibility and navigation through enhanced building identification. The proposed signs are critical for guiding students, visitors, and the community. Due to the size and scope of this campus, these signs exceed the allowable size and number of them, identification signs, under the H1 zoning regulations. If you look through the packet that was provided, they're doing a large changeover of their signs, but there's only two that the variance applies to. So, if you go to page 23. I think it's 25, it's CL1 and CL2. Those are the two that this request pertains to. So, getting into where those are located. Up here, it's confusing because there's a lot of Luther's going on. So, we've got Luther Memorial Center, is the building up here, in the top left corner, the sign on that side. I think that CL1 is proposed to face West, on page 23. Nope, that's the other one. So this is the one on Luther Hall. So building 18 on this map. The one on page 23 faces South on Marshall Avenue. And then the other one on Luther Memorial Center faces West. So you can get into the packet to show you where those are. Sorry, I forgot my mouse. Okay, so here's the sign that faces South towards Marshall and then this is the sign that faces West towards Hamline that says Luther Memorial Center. So these are the two signs, so I

can get into the staff report and staff recommendation. Overall, the recommendation is for approval. I put the sections of code, or my colleague did for sign variances. And there's those extra findings that apply when granting a sign variance. Finding one that the variances are in harmony with the general purposes and intent of the zoning code and the comprehensive plan—overall, staff find that this is met. The proposed signs are necessary to identify buildings on the campus and guide students and visitors effectively, they won't pose any safety hazards. No objections were raised by adjacent property owners. They'll be internally illuminated to comply with all the lighting standards and then several buildings feature identification signs nearby and these are appropriately scaled to match the character of the campus buildings. So, the findings one and two. Well, LU-5 encourages flexible building designs. So that, the comp plan is met. Regarding practical difficulties and circumstances unique to the property, the large size of the campus and unique nature of its development create technical challenges in adhering to the sign provision. Given the scale and the purpose of the project, the applicant's request is reasonable. Concordia University, like many schools, is located in large buildings on an expansive site. The sizes and heights of the proposed signs are appropriate to ensure proper identification, so that finding, those findings are met. Regarding uses and essential character. Signage is allowed, so granting it would not permit an unallowed use and the proposed signs are consistent with other signage there. There are different signs on this campus and variances have been granted in the past.

Correspondence: The District Council wrote a letter in support of the variance request and then we did receive a letter from a property owner to the south, somewhere over here on Marshall, supporting the requested variance, specifically on the Luther Hall because those ones face, so that sign faces south, and then based upon findings one through six, staff recommend approval of the requested variances, and if you have any questions, I'm happy to respond, too.

Mr. Miller- Any questions for staff? Is the applicant present? Go ahead and come up to the podium. Once seated, go ahead and state your name and address.

Nicholas Schroepfer- My name is Nicholas Schroepfer, 1282 Concordia Avenue.

Mr. Miller- Anything you'd like to add to what Mr. Eide here has presented in the staff report?

Nicholas Schroepfer- Nope, that was very thorough.

Mr. Miller- Any questions for the applicant? I can't see any. You can take a seat. We may call you back up if we have more questions. Thank you. 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? Anyone 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- Based on staff's findings, I'd like to make a motion to approve the variance request.

Mr. Schweitzer- Second.

Ms. Linston- Dayton- (Yes.) Schweitzer- (Yes.) Porter- (Yes.) Martinson- (Yes.) Benner II- (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. Well, good luck with your project. If you don't want to stick around for the rest of it, you don't have to.

Moved by: Benner II / Second by: Schweitzer **Approved 6-0**

Old Business:

Mr. Miller- All right, Mr. Eide we're going to jump back over to 2200 Ford Parkway and 0 Cretin Avenue South.

2200 Ford Parkway: Mr. Eide- All right, thank you chair Miller and board members. So, at the last meeting with the request for Block 2B, there was a motion to approve that did not get a second. And then there was a motion to lay over that didn't pass either. Well, that was approved, but didn't pass. So, I guess I can start with this block 2B. We did receive additional supplement from the applicant that was provided to you. It is in your SharePoint folder. Going over the findings and given that two members weren't here last time. So, I don't know if you want me to go through the staff report again, on this?

Mr. Miller- I'm assuming that you guys have had a chance to read through that and the minutes.

Mr. Eide- Okay, so overall the staff recommendation was for approval. It seemed like during the hearing there was a motion to approve but then it didn't get a second. So, I don't know if you guys want to pick up discussion on this again or if you want me to go through.

Mr. Miller- I think so maybe if questions come up, we'll ask you.

Mr. Eide- Okay.

Mr. Miller- Would anyone like to start?

Mr. Benner II- Question for all of us, do we want to hear maybe a summary of what the applicant has submitted. Or are we comfortable of having a discussion?

Ms. Porter- Given the holidays, although I've read through it, I think a recap would be good. Just a quick summary.

Mr. Miller- Okay.

Mr. Eide- All right, so during the meeting, it seemed like there was some apprehension about the findings being met for the variances, so the applicant submitted what they believe supports the request and in more detail going down every finding. So yeah, it's kind of hard to summarize because they went through every finding. The hard thing about comp plans and master plans is you can kind of find what you wish. So each side can pull out what they wish. You kind of have to step back and take a look at the project. Like is it turning its back on the pedestrian realm? Staff don't believe so.

Mr. Miller- I guess it is kind of a hard one to recap. There are 13 variances on one.

Mr. Eide- So I guess, if you want a recap a little bit. So there was a floor ratio variance and as we pointed out during the last hearing, while this lot specifically wouldn't meet the FAR requirement, if you look at some of

the lots nearby with it, it would be close to what the requirement would be. Okay, so this is the, this is the 2B lot that's in question. If we combine it with 2C and I believe it was the senior housing down here, it's close, and I can get into the findings on that. Regarding the next one was height, as was stated during the hearing, the applicant split up the buildings to try to bring them down to grade. So that is what kind of led the smaller footprints and shorter heights to try to relate to the street better. There was a rendering that I could show you in this packet that kind of shows that the buildings are trying to step down to Ford Parkway because there was some thought that the medical office building was more of a monolith and not as pedestrian friendly. So, you can see here that with the grade change, they had to accommodate ramps and to make it accessible. The buildings are stepped down from the parking facility behind it, which is structured. It has got one level above and then one underground. It's kind of up higher. So these buildings are down lower. So theoretically, users need to go to the front to access them from Ford Parkway. The next one was lot coverage. Lot coverage, so I believe it was the parking ramp counts towards the lot coverage, but it doesn't count for towards the FAR, so that hurts them on that end. So, let's see, the parking facility does not count towards the FAR minimum, however, it does count towards the lot coverage maximum. Staff believe that this was a reasonable proposal because the taller structure would likely obstruct pedestrian traffic moving between Ford Parkway and Hillcrest and would be more visually prominent than what's proposed. So that was what staff found about that one. Regarding standard G15 which requires that 30% of the ground floor area along addressed sides of the buildings be window and door openings, staff found that it is reasonable, what they're proposing. Obviously, you can see there's lots of windows, I'm just summing it up. But the overall layout of the property, with pedestrian permeability with the smaller buildings, the smaller commercial spaces, this led to the need to have more non-windows space to add demising walls, which creates practical difficulties in complying with the thirty percent requirement on the north side of the mixed-use building and Building D. And then you also have a greater amount of the facade exposed. You can see down here, when you have sloping, it gets difficult for some of these requirements because it, especially the next one, S12. It's the bottom 12 feet which moves depending on what the grade is. So that's all the variances that they requested, going through them.

Mr. Schweitzer- Mr. Eide, if I understand the FAR are measurement correctly, that's a ratio of the available floor space inside the structure to the to the square footage of the lot overall, is that correct?

Mr. Eide- Correct.

Mr. Schweitzer- So the extent to which the FAR requirement is not being met would be addressed if the buildings were as tall and had more floors as the other variance would have dictated, if they were 40 feet tall and had the number of floors, 40-foot tall though, these buildings would be closer to the FAR of 2.0. Is that correct?

Mr. Eide- Chair Miller and board member Schweitzer. Theoretically yes, you could increase that way, the applicant contended that 40-foot tall buildings of this size would not be reasonable with the pedestrian permeability and whatnot, because you'd have to have like yeah, economics don't work out well for small buildings like this with elevator and whatnot.

Mr. Schweitzer- So I'm going to remark to that. I just want traveling in New York, and I'm going to object to the premise that tall buildings are inherently pedestrian-unfriendly based on my experiences there and that you cannot have a complex with tall buildings and also pedestrian access. There's absolutely ways to do that even

given something similar to the footprints here. While I was reading the minutes, I wasn't at the December meeting, but while I was reading the minutes, I was called a mind to one of my favorite lines from an Indiana Jones movie, I forget which one, but there is a point at which Indiana's friends were escaping from the Nazis and he sent Johnathan Rhys-Davies off to steal some horses that they could ride off in, and he said, "get us five horses," and then shouted after him, "and no camels." And Johnathan Rhys-Davies, of course, comes out with five horses and a bunch of camels and Indie says, "this is six camels, I said no camels, can't you count?" And I bring that up because I was reminded of that by the fact that the plan calls for no short buildings and between these two proposals, the one on Ford Parkway proper and the 0 Cretin Avenue, we've got four short buildings, one story buildings, and it strikes me that the plan very clearly and distinctly is for a high density zone and these projects do not meet that high-density need. And I understand that there may be business and economic reasons why it may be difficult to add floors of housing and make these high-density buildings rental or other sorts of housing, that this is not the space to be addressing that, and I'm assuming that if and when we do deny this request, which is going to be my motion, that the Ryan companies will be appealing to the city at the City Council. And this is something the city council needs to bring up because the city council will be facing a choice as to whether they're going to partner with Ryan and other developers and identify the problems and the barriers to making a high-density housing complex economically viable as a business proposal or they're going to turn their back on the planning process and relent and make this a low-density area. So, based on that, I'm not going to make a motion yet because I'm sure a lot of other folks are going to want to talk, but I'm definitely support of denying this motion or the denying the Ford Parkway proposal as well as the 0 Cretin Ave proposal for the simple fact that they just don't even attempt to meet the density requirements.

Mr. Miller- Thank you. Any other discussion?

Mr. Martinson- Chair, I have, I have a number of comments, but I want to hold my piece because I got to speak last time, so if there's anyone else that wasn't here last time that wants to have input, maybe I'll let them go first. Alright, so thank you chair. So, I was the one who raised the concern at the last meeting about the findings and that I believe that the Zoning Administrator has erred. And so, I'd like to, if I may, and this is a little bit lengthy, so I apologize in advance, but I do feel one needs to do this documentation, if this is going to stand up to appeal, which we know is going to happen. So, the Ford site vision statement from the master plan is that a redevelopment will balance economic social and environmental sustainability while advancing the city's economic wealth and community goals resulting in a forward-thinking 21st century development, a forward-thinking 21st century development. I don't see that here. The guiding principles from the master plan include a mix of uses and activities with services and amenities to reduce auto dependency to reduce auto dependency, and I don't see that here. Transportation choice is also mentioned in the master plan, to support transit through and around the site, urban design and site layout to reduce auto trips, reduce auto trips and manage traffic impacts. I don't see that here. Building scale is one of the things that's primarily at issue and the master plan states that buildings shall be scaled to utilize the developable opportunities of the lot within the minimum and maximum floor area ratio standards for the district. And it's very clear that both the floor area ratio here and the height request for variances do not utilize to the maximum the developable opportunities of the lot. So, in the F5 zone at the Ford site, the required mix of uses for residential can range from a minimum of 20% to a maximum of 75% according to the master plan, the range of mixed for

commercial can be a minimum of 20% and a maximum of 50%. Civic and institutional, there's no minimum but there's a max of 10%. One of the things not mentioned at all in the applicant materials nor in the supplemental materials that they submitted nor in the findings of the zoning administrator is any discussion about bike parking requirements, although the master plan clearly has bike parking minimum requirements. Specifically for residential spaces, one space per dwelling is required, which I think would be something like 94 based on the current, on the current residential plan that we have before us and for commercial, office, and civic space, one biking parking space per 5,000 feet of GFA. So, for 2200 Ford Parkway, for the variance, the specific variance request one for the FAR and two through four regarding building height, I believe the Zoning Administrator has erred in multiple of their findings. I find similar problems with respect to the variance request 1 through 4 for 0 Cretin Avenue as well, but I'm hoping that my objections here can be handled together because I think they are virtually identical. So, with respect to transportation, as testimony on December 9th confirmed, Highland Bridge is meant to be a transit-oriented development and is identified as a neighborhood node and an opportunity site, emphasizing dense development in support of transit and environmental sustainability goals. The guiding goal, and this is from the comprehensive plan. The guiding goal, true transportation choice throughout the city with a shift from single occupant vehicles toward other modes. Shift from single occupant vehicles to other modes. Transportation policy T-3 is asking for a design per the modal hierarchy of: pedestrians listed first, bicyclists listed second, transit listed third, and all other vehicles listed forth. I don't see that reflected in the plan. Transportation policy T-21, to reduce vehicle miles traveled by 40% by 2040 by improving transportation options beyond single occupancy vehicles. I don't see that the plan helps us with that at all. Policy T-22 to shift mode share towards walking, biking, public transit, carpooling, ridesharing, and car sharing in order to reduce the need for car ownership. Again, I don't see that in the plans, and I think that was omitted or missed by the by the Zoning Administrator. Transportation policy T-27 to improve public like transit mode share and support quality public transit in all parts of the city, through strategic establishment of transit supportive land use, intensity, and design. So, what this tells us is that there's been a linkage that has been overlooked here, between transportation and land use which are inherently, intrinsically, and inextricably linked together and the plans that we have for the land use here are inconsistent with the plans that the city comprehensive plan calls for, for transportation. Now, the land use chapter of the comprehensive plan also has goals that I think have not been looked at sufficiently. Policy land use one, to encourage transit supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity. The Ford Site has the A line that runs along it, there are other potentials for Metro Transit to improve and increase bus service into the site and through the site, none of that's discussed. Policy land use 2, to pursue redevelopment of opportunity sites, which this has been identified as by the, by the master plan as higher density mixed use development. Policy land-use 14 to reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land and promote the use of transit and other non-car mobility modes. Land use policy 18, support facilities outside public rights of way to support pedestrian and bicycling activity, such as sidewalk access to building entrances, adequate lighting, trails, and bicycle parking and storage. Which again, haven't been mentioned anywhere in here. Neighborhood nodes. Land use policy 30, to focus growth at neighborhood nodes, which this has been identified as. Increase density toward the center of the node. So, I don't know where the center of the node would be here, but I believe it's probably pretty close to where the buildings here are being proposed. So I believe we are supposed to be increasing density there, not seeking to produce

lower density buildings, such as are proposed. With respect to finding three, that the applicant has established that there are practical difficulties in complying, and with finding four, that the plight of the landowner is due to circumstances unique to the property, the applicant and Zoning Administrator both make repeated reference to factors such as the shape, the grade of the property in question, the existence of shallow bedrock, and a perched water table, as the primary factors causing practical difficulties, requiring the height and FAR reduction variances, yet in testimony we heard from other local developers on December 9th of 2024, none of these factors should be practical difficulties that warrant the requested variances, as they are all surmountable as standard parts of design and build processes. The remaining difficulties cited by the applicant appear to all be about economic considerations, which alone do not constitute practical difficulties for our decision making here. Thank you.

Ms. Dayton- So, it sounds like minds might be made, but I was not in attendance at the last meeting where these cases were discussed so I have a list of questions, but it seems like most of these are redundant and it's clear that there probably are not adequate answers to my questions. So nonetheless, I think board member Schweitzer and Martinson inspired me to just have my opinion on the record in the event that this becomes an appeal to the city council, so, but FARs of 1 and 0.3 are far below the minimum of 2. So I am left wondering, how does the reduced FAR impact the site's ability to generate the economic activity and support transit oriented development that is called for? How will getting these FAR variances set a precedent for other developments to seek significant reductions, undermining the master plan’s density goals. Are the physical constraints, like the shallow bedrock, pedestrian easements, are they truly insurmountable, or could alternative designs achieve a higher FAR? Can adjacent block FAR calculations sufficiently compensate for individual lot deficiencies? I find significant issue with that as a justification. The building height of 18 feet when it is a 50 foot or a 40-foot minimum, excuse me, I wonder how that contributes to creating the vibrant urban center that's envisioned in the master plan, and finally, have the concerns of the district council and public comments been fully addressed? I have not heard us talk about that yet today. So how will these designs ensure that they meet both the city and the community expectations that are in that plan? So I think for our role as a Board of Zoning Appeals, our role is not to undo more comprehensive plans that are set by governing bodies higher than this one, so therefore, I hope that the city council, if it gets to them, focuses on ensuring that the variances here meet the Ford site master plan goals and align with broader zoning and urban design principles. And I hope that they probe, whether the variances are justified and whether these projects can adapt to better meet the urban designs and density goals of the Highland Bridge master plan. Thank you.

Mr. Miller- Anyone else, discussion?

Mr. Eide – Chair Miller. I would like to point out that on page 50, the Highland District Council did support both variance requests. Well, at least, on page 50 for 2B and they supported 2C also.

Ms. Dayton- Thank you.

Mr. Miller- I guess my only comments are, just a real boiled down version here, are you solve for floor area ratio with height, and you ask for a variance of height. That seems to be a circumstance created by the landowner to me. The other thing is if the lot is an odd shape with pedestrian easements, therefore you're not able to build the FAR that's required but you're able to ask for a variance to go over on lot coverage for parking, I don't see how those jive, and the end result is short buildings, low density, and a lot of parking which

is, I'm pretty sure is not the intent of anybody's master plan. Those are just kind of my boiled down points. Any other discussion?

Mr. Benner II- Thank you, chair. You know, I don't think any of the comments here today are necessarily incorrect. I think there are, as I even stated in my comments at last meeting that I didn't love this project but yet, you know, I think it's something where I'd rather see development happen now than wait until, this project sits vacant for a number of years, or you know, who knows how long it won't be developed for if we don't pass it or City Council doesn't either. And generally, you know, we want to see the highest and best use of property, I think its kind of the city's MO, I hear that often, city council, even staff use that comment and want the highest and best use of the site. And also, the comp plan isn't necessarily something set in stone. It is a guiding document. It's not something where we need to see every single thing met. I'm sure the planners in the room here, we know that not every single thing in a comp plan gets met. They are guiding documents with objectives and goals that we hope to meet as a city and city staff and as developers use this guide as a way to try to create urban environments that align with these goals. That's not always going to happen. And so we have to ask ourselves, would we rather see a development or a lot sit vacant. You know, this is literally in my backyard. I'm tired of seeing construction happening at this site and I'd love for it to be finished soon, and, you know, that there's a bit of a compromise, you know, if we allow this today or try to approve it, I don't think we will, but I think it's worth noting that, you know, we are basing our decisions off a comprehensive plan and guidelines, not necessarily something that's set in stone. So, keep that in mind as we make our motions today. But know that it's going to continue to sit. I don't think there's, I think if there was a plan for it, I'm sure Ryan would have proposed something. If things would have made sense, that doesn't seem to be happening. And also, then I have full confidence, our city staff that this was a tough decision. You know, we heard from the planning staff that this site isn't perfect. There are some challenges, and I think we need to make sure those, that's in our considerations as we move forward with the decision.

Mr. Miller- Any other discussion?

Ms. Porter- I'll just say, I think I made my comments in our last meeting as well and I tend to agree that I think an attempt was made by Ryan to meet the, to meet the guidelines and I think just in all that, I've read through their supplement as well, so I would lean toward, you know, voting yes, to move it forward, just based on the fact that this has been a project that's been sitting for years.

Mr. Martinson- If I may, thank you chair. So, so with respect to the desire to build something there sooner rather than later, understandable, yes. And especially at a time when the downtown area, which has been the tax base engine of the city, by and large, is hemorrhaging tax-base, quite honestly, we are absolutely at a point in time when we need to be thinking forward in time and how are we going to replace that tax base elsewhere? So, I'm supportive of the idea of getting things built but I also am supportive of maximizing, then, the tax base that we can get out of the Ford site because of that. And I think that I've heard, I've heard that one of the other owners of property in the Ford site has absolutely refused to build and I don't know the veracity of this, wo I am I'm speaking heresy only, but I understand that there's another owner in in the business here who has said they won't build anything until and unless the city completely repeals rent control ordinance, which was passed a few years back. So, the city has made changes, obviously, to exempt any buildings built in the last 20 years currently, from being subject to rent control. And the mayor in fact now has

made another proposal which, quite possibly will pass the city council that, that all buildings built after 2004, a fixed date, instead of a floating date will be exempted, and so we're at a time when there is some uncertainty with respect to what the limitations and constraints would be, but that we could certainly envision a more dense building on this site that would be, that would provide more desperately needed housing that we have here in the city, that would generate far more tax base than these one building suburban looking, you know, structures along which we, and I've been walking around and biking around the city and looking at things. We have these all over the city right now, these one-level buildings. If you look on Snelling Avenue South of St. Clair, and if you look even north of there, some of the buildings have been put up, have FARs that are like, you know, one or below on building space that has absolute potential to be much more than that. And we've got, you know, commercial space like that, not always occupied. So I don't know that building more commercial here is necessarily what's needed but definitely housing is, and I think housing on top of this is certainly, you know, we could imagine to over ones or three over ones or four over one's, the master plan allows for building up to 65 feet without a variance, and up to 75 feet with a variance. So, I think there's much more that could be done here to be building housing and that's going to maximize our tax base way more effectively. These are decisions that we need to look 50 years into the future on. These will affect what is there at the Ford site for the rest of my life and most of the life of my daughter. I would like to see us maximizing what we're doing there and getting the best and the highest use out of that land. So, I'll Stand Down.

Mr. Miller- Other discussion?

Mr. Schweitzer- Mr. Chair, I just wanted to endorse the comments as regards to housing demand. In a different housing business environment, I can't imagine the developers wouldn't be lining up to stick high-rises all over this lot, given the overall demand for housing, but something is absolutely getting in the way of and disincenting developers from building apartments, from building condos, from building coops, you know, whatever business model you want to want to put high density housing. The city is starving for high-density housing and maybe it's rent-control, maybe it's something else, that's a decision above my pay grade, but the, the solution to this issue that we're seeing an example of before us here today of there is a huge demand for housing and yet nobody wants to build any in Saint Paul, that's on the city council's desk and approving this project as put forward is not going to solve any problems and as has been mentioned, a lot of work has been done on planning this specific patch of land as a high density area and we absolutely need to be planning for the future of Saint Paul. If we stick another strip mall in here, one story, we're dooming this part of the city to continue to fail to meet the needs of the citizens and the residents of Saint Paul. If it's not inappropriate chair, I'd like to make a motion at this time.

Mr. Miller- Just keep in mind that we do have to use language for each case where we do disagree with staff findings. I would suggest, potentially, often times, we will say, "as stated by the speaker," referring to the findings as stated by the speaker, in which case could have been what Martinson has prepared or the comments.

Mr. Schweitzer- I expect you have something prepared. By all means.

Mr. Martinson- So, I guess I will be the one to make the motion since I have it here in front of me. So, with respect to finding two, that the requested variances are consistent with the comprehensive plan. I think there

are numerous inconsistencies with the comprehensive plan as I have documented in my previous statements. Do I need to repeat those as part of this motion, or can I submit this in writing afterwards?

Mr. Miller- I think what you've said is—

Mr. Martinson- It is on the record, right? All right, okay, so that's with respect to finding two. With respect to finding three that the applicant has established that there are practical difficulties in complying and finding four that the plight of the landowner is due to circumstances unique to the property, I do not feel that those findings have been met either, that the Zoning Administrator has erred based on the statements that I made previously. So, based on those, I move that we do not approve variances because the findings have not been met.

Mr. Schweitzer- Second.

Mr. Miller- So we have a motion for denial and a second.

Mr. Eide- Chair Miller, was that findings two and four, only?

Mr. Martinson- It was two, three, and four and that is with respect to both 2200 Ford Parkway and 0 Cretin. because I found the same problems with both of them.

Mr. Miller- Lets just do them separate.

Mr. Martinson- Okay, that's right. That's right, 2200 Ford Parkway only at this time. Yeah. Sorry.

Mr. Benner II- Chair, I'd like to make sure that we have a clarification. A vote ye, would be to deny the variance and a vote no would be to deny the motion?

Ms. Porter- Repeat that one more time, sorry.

Mr. Benner II- So the idea of if you vote yes for this motion, it's essentially saying the staff did err in their decision but a vote no would say that you disagree with motion.

Mr. Miller- Correct.

Ms. Linston- So Martinson, he approves denial and Schweitzer second?

Mr. Martinson- Yes.

Ms. Linston- roll call: Dayton- (Yes.) Banner II- (No.) Porter- (No.) Schweitzer- (Yes.) Martinson- (Yes) Miller- (Yes.)

Mr. Miller- The variance request has been denied and that decision is final unless appealed to the city council within 10 days.

Moved by: Martinson / Second by: Schweitzer Variance Requests 1, 2, 3, and 4 Denied 4-2

0 Cretin Avenue South:

Mr. Schweitzer- Ready to go again?

Mr. Martinson- Yeah. Okay. So our well, I guess how do we want to proceed business-wise? We haven't discussed 0 Cretin in this meeting yet. You care to do that?

Mr. Eide- Chair Miller, proceed?

Mr. Miller- Yeah.

Mr. Eide- All right. Yeah. So 2C is this lot right here, and if I can pull up the packet. So, on this lot, there was a floor area ratio variance, 0.3 is proposed, two is required, and there was a height variance, 18 feet proposed 40 feet required and there were variances of the G-15 and the S-12, which pertains to the windows. And then during the presentation, regarding the FAR, if you look at kind of the whole development, you're close to the required FAR. Regarding the height, they're providing the pedestrian walkways and if all these buildings were combined, it would meet the height requirement and creating a building that has all sides activated is difficult. So that was another factor in the 2C because it's proposed, the applicant mentioned a daycare, so it's difficult when you don't really have a back space. That's not the right packet. So it's difficult to meet the window opening requirement for every side when you've got all four sides needing to be activated. I guess I do want to comment that for the entire project, the applicant did not request a variance of the bicycle parking requirements. So, the Board of Zoning Appeals is not Site Plan Review. So, if something is met, I'm not going to be bringing it up during the staff report. So, here's the, how they in their application, they looked at the senior housing and then the mixed-use block and this lot and I believe it was close to two, if you combine these three parcels together and I would note that the medical office building parcel, there were variances approved on these three lots for similar types of things. Staff recommendation is approval. The district council recommended approval in their letter is on page 35 in the back of your packet. And if you have any questions, I'm happy to answer.

Mr. Miller- Let's proceed with the discussion or motion.

Mr. Martinson- So, I'll make the same motion as I did for 2200 Ford Parkway with respect to 0 Cretin, that I believe that the findings are in error specifically with respect to variance request one for the FAR and two, through four for the building height, I believe the Zoning Administrator has erred in multiple their findings as I stated earlier, with respect to finding two that the requested chances are consistent with the comprehensive plan, there are numerous inconsistencies with the comprehensive plan, as I've stated, and with respect to finding three, that the applicant is established that there are practical difficulties in complying and finding four, that the plight of the landowner is due to circumstances unique to the property, I do not believe those findings have been met either based on my prior statements. So, I move denial of the variance requests one through four for 0 Cretin.

Mr. Schweitzer- Second.

Mr. Miller- All right, moved and second.

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

Moved by: Martinson / Second by: Schweitzer **Variance Requests 1 and 2** **Denied 4-2**

Mr. Miller- Your variance requests have been denied. That decision is final unless appealed to the City Council within 10 days. That wraps us up for the day.

The meeting adjourned at 3:50 p.m.

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Feb 4, 2025 09:44 CST)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Feb 3, 2025 16:56 CST)