GENERAL MINUTES
THE BOARD OF ZONING APPEALS
ROOM 40 – CITY HALL
SAINT PAUL, MINNESOTA
JANUARY 21, 2025

BOARD MEMBERS PRESENT	STAFF PRESENT	
Daniel Miller	David Eide	DSI
Jerome Benner II	Yaya Diatta	DSI (Via Tel.)
Brian Martinson	Josh Ladd	City Attorney
Chris Schweitzer		

ABSENT BOARD MEMBERS: Robert Clarksen, Megan Dayton, Marilyn Porter

***Old Business*:**

Old Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
24-095781	2200 Ford Parkway (Highland Bridge 2B) – Ryan Companies US, Inc.	Schweitzer	Martinson	4-0	Requests 5, 6, 7, 8, 9, 10, 11, 12, and 13- Approved with condition
24-096392	0 Cretin Ave South (Highland Bridge 2C) – Ryan Companies US, Inc.	Schweitzer	Martinson	4-0	Requests 3, 4, 5, and 6 - Approved with condition

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Feb 4, 2025 09:29 CST)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Feb 3, 2025 16:57 CST)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 40 – CITY HALL
SAINT PAUL, MINNESOTA
JANUARY 21 , 2025

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

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

Legal: City Attorney Josh Ladd

ABSENT: Mr. Clarksen, Ms. Dayton, Ms. Porter

The meeting was chaired by Daniel Miller and began at 3:01 p.m.

Mr. Miller- Good afternoon and welcome to the Board of Zoning Appeals. Our purpose is to review and decide requests for zoning, code variances, administrative reviews, and request to modify the home occupation requirements for handicapped individuals. If you intend to testify today, we ask they started remarks by giving your name and address. Staff will first show slides of the site, a presentation of findings and discussion will follow, and then 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 vote is final unless appealed to the City Council within 10 days. Present today from the Department of Safety and Inspections is David Eide. Our legal counsel is Josh Ladd. Our secretary is David Eide. 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.

Mr. Eide- Attendance Roll Call- Schweitzer- (Here.) Miller- (Here.) Benner II- (Here.) Martinson- (Here.)

Mr. Martinson- I would also note that chair, Yaya Diatta is also attending.

Mr. Miller- Yaya Diatta is also attending remotely.

Old Business:

2200 Ford Parkway: Chair Miller- OK. Our first order of business is 2200 Ford Parkway. Do you just want to give a recap of what we're doing here for this since we're on the record?

Mr. Eide- Yeah, chair Miller and board members. This case was first back in front of you on December 9th 2024. At that meeting, there wasn't any action, so it was automatically laid over to January 6, 2025. At the January 6th meeting, variance request one through four were denied and staff did get the rationale behind those denials. So, we have that on hand and the motion did not discuss variance number 5, 6 through 7, and 8 through 13. Five was at so this is 2200 Ford Parkway. Hopefully no one forgot, Block 2B at Highland Bridge. I can bring it up, but essentially, it's the lot coverage, the G-15 regarding the windows and S-12 regarding windows. These were those variance requests that were not discussed in the motion. And I believe in speaking with the motion maker, the intent was approval of those, but it wasn't explicitly stated on the record. So, we're just here today to make sure that we document what the decision is on those variance requests. So, I can bring it up, it is this property here. This is the property that has the proposal for the three one-story retail buildings and then the four-story mixed-use building. So, this is the block 2B with the three one-story retail buildings, the structured parking in the middle and then the mixed-use building on the right that's labeled building A, so the window or the lot coverage request to just go over that again. That was number five, the maximum lot coverage of 70% is permitted; 80% is proposed, for variance of 10%. And staff had recommended approval of that variance request for 2B based upon all the findings. You can read, we've seen the staff reports. The rationale is similar to the height and the FAR request. The parking lot, or not the parking lot, it's structured parking. It counts towards the lot coverage, so they are over what's allowed. So, the recommendation is for approval on that. Regarding the windows, I did separate that out a little more in the staff report so, while the proposed development doesn't meet the required glazing requirements, the amount of glazing proposed will contribute to a vibrant, active space that allows pedestrians to see into the spaces within the buildings and activity therein. The variance request from the glazing requirements are consistent Ford Site Zoning and Public Realm Master Plan 5.2 design standard G-16 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 and door shall be clear or slightly tinted, allowing views into and out of the interior of the. I'll have to extend this display, so I don't have to look at that. Apologies, these files are slow to load on my computer. Regarding the comprehensive plan with the windows, it's basically, well that was the comprehensive plan. Finding three G-15 requires 30% of the ground area of the ground floor along addressed sides of the building to be doors and windows, and then I go through all the buildings and why. Essentially is has to do a lot with the slope of the property. While it doesn't comply with both of these., 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 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, this is a unique circumstance that was not created by the landowner. Regarding the practical difficulties, I went through that it was the shallow bedrock, perched water table, and grades on the property and the slope of Ford Parkway. And then the uses, that was fine. There's no unallowed uses that are proposed, and finding six was met for that for the lot coverage, and then the window requests. So basically, we're looking for what the board's decision is on 5, 6, 7 and 8 through 13.

Mr. Schweitzer- Question. The site plan proposal document. Does it have a unique identifier above and beyond like the date that it was submitted on? Is there ID number for the overall proposal?

Mr. Eide- Chair Miller, board member Schweitzer. We file the zoning variance application in our system and once it's in there, it can't be changed. We can add additional documents, so we would have that to refer to, I believe that they've applied for site plan review, but we have the original what they proposed on file.

Mr. Schweitzer- Okay, and what date was that submitted?

Mr. Eide- It would have been November 18, 2024.

Mr. Schweitzer- Okay. Mr. chair, is there a motion in order at this time?

Mr. Miller- Yes.

Mr. Schweitzer- Mr. Chair, I move we affirm staff findings for variances number 5,6,7 and eight through 13 as regards 2200 Ford Parkway, contingent that these approvals are attached to the site plan as filed on November 24th. I'm sorry. November 18th of 2024. And that any subsequent filings for this site would not have these approvals attached.

Mr. Martinson- Second.

Mr. Miller- We'll do it again for the second one.

Mr. Eide- Right. We need a roll call.

Mr. Benner II- I guess it's just for clarification, so it sounds like Commissioner Schweitzer made a motion to approve these variances? Correct?

Mr. Schweitzer- The ones that we did not deny last week, yeah.

Mr. Benner II- We want to approve these, but we denied the ones last week.

Mr. Schweitzer- Exactly.

Mr. Eide- The original motion probably should have said moving denial of FAR and building height and you know, going along with the staff recommendation if that's what the proposal was. It was basically only denial at the last meeting. So, then we have these other requests kind of up in the air. That was the purpose of this meeting, to kind of nail down what was the decision on those. So, then it sounds like we have a motion to approve subject to condition that the approval of these five through 13 are attached to the site plan that was dated November 18th, 2024, that was with the original submittals. Seconded by Mr. Martinson. Would you like a roll call?

Mr. Miller- Yeah.

Mr. Eide- All right. Schweitzer- (Aye.) Miller- (Yes.) Benner II- (Abstain.)

Mr. Benner II- Oh, we need all four. OK.

Mr. Miller- Yeah. So the idea is that, what we should have done last time was said we want to deny these and then had the language but approve these as staff recommended. So we didn't, the maker of the motion didn't have any specific problems or language to insert into denying the other ones, so we just kind of thought that they would be naturally approved, you know, which was our mistake.

Mr. Benner II- I got you.

Mr. Martinson- I'll own that.

Mr. Schweitzer- And to be clear, from our perspective that the, if our action of last meeting is not overturned by the City Council, the project as submitted is dead regardless of what else we do because the we've denied the request to build several structures that are below recommended height and below recommended density.

Mr. Benner II- Got it. But yeah, we're approving the design for a building that can't be built.

Mr. Schweitzer- Yeah, legally, but not practically.

Mr. Eide- We do need four votes in one direction to approve.

Mr. Benner II- Can we start over? My fault, chair.

Mr. Miller- No, that's fine. I think it's important too. And then also we're saying that we're conditioning it based on these site plans because, theoretically, if they come back with a different site plan, this might not even be applicable. You know, they might be like well now we need 5% instead of 10%, you know, instead of you know, that was the idea. Lets just start the roll call over.

Mr. Eide- OK. Schweitzer- (Eye.) Miller- (Eye.) Benner II- (Eye.) Martinson- (Yes.) That carries.

Moved by: Schweitzer / Second by: Martinson **Variance requests 5, 6, 7, 8, 9, 10, 11, 12, and 13.**

Approved 4-0 with condition.

Variance requests 1, 2, 3, and 4 were denied at the January 8, 2025 Board of Zoning Appeals meeting.

0 Cretin Avenue South:

Mr. Miller- Mr. Schweitzer, do you want to motion for the second property?

Mr. Schweitzer- Yeah. Mr. Eide, we've had no additional information or filings as regards to 0 Cretin Ave South either?

Mr. Eide- Correct.

Mr. Schweitzer- OK. In that case, I will move approval of the, I'm sorry we need to know the numbers.

Mr. Eide- Yes. So, variance request one is for the floor area ratio. Two was the building height. Those are both denied at the last meeting, the ones that were silent were variance request two, which was regarding standard G-15 regarding the windows and then four through six were which were varying S-12 regarding the windows.

Mr. Schweitzer- Okay Mr. chair, on the matter of 0 Cretin Avenue South. I move we sustain staff recommendations as regards to variances three and four through six, contingent on the current site plan as submitted on November 18th of 2024 and not attached to any amended or future site plans for this location.

Mr. Martinson- Second.

Mr. Miller- Roll call?

Mr. Eide- Alright, roll call: Schweitzer- (Eye.) Miller- (Eye.) Benner II- (Yes.) Martinson- (Yes.) That carries.

Mr. Miller- So the variance requests have been approved. On 0 Cretin Ave South, 3 through 6 and 2200 Ford Parkway 5 through 13. That decision is final unless appealed to City Council within ten days. So as far as I understand on the City Council won't need to appeal that portion, just the first ones. Oh, I'd be happy to keep this brief. Is there anything else?

Moved by: Schweitzer / Second by: Martinson **Variance requests 3, 4, 5, and 6** **Approved 4-0 with condition**

Variance requests 1 and 2 were denied at the January 8, 2025 Board of Zoning Appeals meeting.

Mr. Eide- We do have a meeting February 3rd, I believe it is, and there are four cases on that agenda so far.

Mr. Benner II- Anything seemingly contentious?

Mr. Eide- We'll find out.

Mr. Benner II- That's fair.

Mr. Miller- We'll go ahead and adjourn.

The meeting adjourned at 3:16 p.m.

Submitted by: Maxine Linston

Maxine Linston

Maxine Linston (Feb 4, 2025 09:29 CST)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter

Marilyn Porter (Feb 3, 2025 16:57 CST)