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EXTRACT OF MINUTES OF MEETING OF THE VARIANCE BOARD OF THE CITY OF ROSEVILLE

Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of Roseville, County of Ramsey, Minnesota, was held on the 3rd day of January 2024, at 5:30 p.m.

The following Members were present: Member Bjorum, Aspnes and McGehee; and Chair Schaffhausen was absent.

Variance Board Member McGehee introduced the following resolution and moved its adoption:

VARIANCE BOARD RESOLUTION NO. 163

A RESOLUTION APPROVING A VARIANCE TO TABLE 1019-2, REQUIRED ELECTRIC VEHICLE CHARGING STATIONS (EVCS) AND DENYING A VARIANCE TO §1019.04.D.2.d.i, ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE), OF THE ROSEVILLE CITY CODE, FOR ROSEDALE CENTER, 1595 HIGHWAY 36 (PF23-014)

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 092923410007 and is legally described as:

Lot 1, Block 1, Rosedale Center Eighth Addition

WHEREAS, City Code Table 1019-2 (number of required electric vehicle charging stations) requires the following:

Non-residential land uses

5% of required parking spaces, of which at least one shall be accessible, as Level 2 or greater

WHEREAS, City Code §1019.04.D.2.d.i requires the following:

New Non-Residential and Multiple-Family Residential Land Uses (5 or more units per building): all new parking areas shall provide electric vehicle supply equipment (EVSE) with the electrical capacity necessary to accommodate the future hardwire installation of EVCS as Level 2 or greater for a minimum of 10% of required parking spaces.

WHEREAS, Kimley Horn and JLL seeks relief from the installation of the required fifteen (15) EVCS of Level 2 or greater to three (3) Level 3 EVCS and relief from the installation of the required thirty (30) EVSE to six (6) EVSE, all associated with the 298-stall Dicks Sporting Goods (DSG) parking lot; and

WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a variance is "to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning;" and

WHEREAS, the Variance Board has made the following findings:

- a. *The proposal is consistent with the Comprehensive Plan.* The Roseville Variance Board has determined the proposal is generally consistent with the Comprehensive Plan because it represents a sustainable investment promoted by the Comprehensive Plan's goals and policies, specifically the Resilience and Environment chapter and the goals addressing a reduction in greenhouse gas emissions.

- b. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* With respect to this requested variance, the Roseville Variance Board finds the proposal is not wholly in harmony with the purpose and intent of the EV standards. Specifically, the purpose and intent of the newly adopted requirements are to “facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle charging infrastructure, and establish minimum requirements for electric vehicle parking spaces and charging infrastructure to serve both short and long-term parking needs.” The Variance Board believes implementation requires every site subject to EV standards to install a share of EV charging and EV ready equipment and, if possible, offer choices for said charging as there is not a one-size-fits-all type of product. Although the Variance Board could strictly interpret the code and not support any level of variance, there is merit in supporting a reduction in overall charging units initially installed as discussed in the Variance Board report dated January 3, 2024. The Variance Board recognizes the balance necessary in managing expectations of both a private property owner and of the City, which is why the Variance Board supports deviating from the required fifteen (15) equipped stalls, and instead to allow three (3) Level 3 and three (3) Level 2 charging stations, as the benefits of Level 3 stalls, coupled with Level 2 stalls meet the intent of the Code. With regard to the requested variance to deviate from the required 30 ready stalls, the Variance Board finds such request is not in harmony with the intent of the code given the EV-ready stall requirement seeks to address future needs and the applicant’s request for a 24 stall deviation is too extreme to be interpreted as harmonious with the code.
- c. *The proposal puts the subject property to use in a reasonable manner.* This finding seeks to determine whether the requested deviation will put the property to use in a manner reasonably consistent with the standards set forth in the Code. In this case the question is whether the requirement of 15 EVCS and 30 EVSE for a 298-space parking lot are too great given the specific characteristics of the DSG project and/or the overall Rosedale Center property. Although the City’s requirements for electric vehicle charging stations and future equipment installation are new, there is not sufficient information to conclude Roseville’s standards are extraordinary or inconsistent given the specific characteristics of the DSG project or warranting approval of the level of code deviation proposed by the applicant.

Concerning the installation of six EVCS (3-Level 3 & 3-Level 2), the Roseville Variance Board finds the benefits offered from Level 3 stalls, coupled with Level 2 stalls, puts the property to use in a manner that is reasonably consistent with the purpose and intent to the code, justifying the nine (9) stall deviation.

Concerning installation for future EVSE, the Roseville Variance Board believes it is reasonable to seek full compliance with the Code and not grant a reduction. Specifically, this requirement is prompted by the reconstruction of the former Herberger’s site with the DSG project and its 298-stall parking lot. With the development site under construction, the ability to install the EVSE future infrastructure is simplified, cost effective, and not impactful to parking areas currently in use.

Therefore, the Variance Board believes the required installation of three (3) Level 3 and three (3) Level 2 EVCS and all thirty (30) of the required EVSE are necessary to acceptably comply with this finding.

- d. *There are unique circumstances to the property which were not created by the landowner.* The analysis for this element of the variance analysis turns on the question: is it plausible to support the position that fifteen (15) EVCS and thirty (30) EVSE for 298 stall DSG parking lot is a unique circumstance requiring some relief?

Since adoption of the EV standards, Planning Division staff has not had to apply these requirements to a parking lot the size of the DSG project. The largest to date has been the Ramsey County ESC project, which required three (3) EVCS and six (6) EVSE for the 58-stall parking lot. However, Planning Division staff has been aware there would come a time when a large parking lot was submitted that required a larger number of charging stations and equipped future stalls.

Although a 298-stall parking lot is not a typical commercial parking lot in Roseville, the Variance Board supports all the past work of the Planning Commission and City Council to approve specific standards and requirements regarding EV charging. After review and consideration of the information provided by the applicant, the Variance Board concluded the number of required EVCS for the DSG project could be “reasonably” reduced and still comply with the purpose and intent of the Code. This is because requiring some flexibility in charger type and charging time duration aligned with the goals of these standards.

However, the applicant has not provided any information suggesting the reduction to the amount of EVSE (EV-ready stalls) is reasonable or based on anything other than economics, which is why the Variance Board finds this criterion is not met as it relates to the applicant’s request to reduce the amount of EVSE stalls.

- e. *The variance, if granted, will not alter the essential character of the locality.* The Roseville Variance Board has determined that the wholesale granting of the requested variance could alter the essential character by establishing a trend by which reduced numbers of EV charging and ready stalls are allowed without thought or reason in terms of addressing current and perceived future needs. The Variance Board has outlined support of a lesser number of charging stations being installed initially, but remains firm on the required number of future equipped stalls. These reasons are outlined within the Request for Variance Board Action report dated January 3, 2024 and represent a thoughtful application of the practical difficulty test as it relates to the purpose and intent of the EV standards – which again are to “facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle charging infrastructure, and establish minimum requirements for electric vehicle parking spaces and charging infrastructure to serve both short and long-term parking needs.”

WHEREAS, Section 1009.04 (Variances) of the City Code also explains that the purpose of a VARIANCE is “to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning”; and

WHEREAS, the Variance Board finds the proposed relief recommended by the Planning Division, **consisting of installation of three (3) Level 3 AND three (3) Level 2 EVCS**, as opposed to the applicant’s proposal to install three (3) Level 3 EVCS, would satisfy the purpose and intent of the requirements outlined in Table 1019-2 and justify partial approval of the requested variance. The Variance Board further finds, based on the content outlined in the Request for Variance Board Action report dated January 3, 2024, the applicant has demonstrated practical difficulties preventing compliance with the requirements for installing electric vehicle charging stations at Rosedale Center associated with the Dicks Sporting Goods project; and

WHEREAS, Variance Board finds the proposed relief for installing **six (6) EVSE versus the required thirty (30) EVSE, a reduction of twenty-four (24) EVSE** does not satisfy the purpose and intent of the requirements outlined in Table 1019-2. The Variance Board further finds, based on the content outlined in the Request for Variance Board Action report dated January 3, 2024, the applicant has not demonstrated practical difficulties preventing compliance with the requirements for installing electric supply equipment at Rosedale Center associated with the Dicks Sporting Goods project as the 24 stall deviation is too extreme to be interpreted as harmonious with the code;

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board to take the following actions:

- 1) **Approve a variance to Table 1019-2 of the City Code in support of a reduction in the amount of EVCS stalls subject to the condition that three (3) Level 3 and three (3) Level 2 EVCS stalls are implemented when fifteen (15) EVCS would normally be required** based on the content of the Variance Board report and associated plans provided as attachments to the report, public input, and Variance Board deliberation.
- 2) **Deny a variance to 1019.04.D.2.d.i regarding reductions in EVSE (EV-ready) stalls,** requiring the applicant to install EVSE for 30 stalls based on the content of the Variance Board report and associated plans provided as attachments to the report, public input, and Variance Board deliberation.

The motion for the adoption of the foregoing resolution was duly seconded by Variance Board Member Aspnes and upon vote being taken thereon, the following voted in favor: Members Bjorum and McGehee; and none voted against;

WHEREUPON said resolution was declared duly passed and adopted.

