

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 16-067184
DATE: March 13, 2017**

WHEREAS, Nate Golin for Saint Paul Public Schools (SPPS) has applied for a variance from the strict application of the provisions of Section 66.231 & 66.232 of the Saint Paul Legislative Code pertaining to the maximum allowed building size and the maximum allowed building height. Two variances in order to construct an addition onto Linwood Monroe Arts Plus Lower Campus school building: 1) A building footprint occupying a maximum of 35% of the lot or 28,452 square feet is allowed, the proposed building would occupy 38.5% of the lot or 31,300 square feet for a variance of 3.5% or 2,848 square feet. 2) A building height of 30 feet is allowed, the proposed addition, at three stories, would be constructed to match the height of the existing classroom spaces of 47 feet for a height variance of 17 feet in the R4 zoning district at 1023 Osceola Avenue. PIN: 022823330034; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on February 13, 2017 pursuant to said application in accordance with the requirements of Section 61.601 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

This property is located in a National Register Historic District that is not in a locally designated district. However, under Minnesota Statute 116D.04, permits for any exterior work including the demolition or partial demolition of a building or structure on the property, cannot be issued until Heritage Preservation staff has determined if the proposed work requires completion of an Environmental Assessment Worksheet (EAW). A determination was made that an EAW was required for this project. An EAW was filed with the Minnesota Environmental Quality Board (EQB) on October 3, 2016 and circulated for review and comment to all parties on the Minnesota Environmental Review Program distribution list on October 6, 2016. A Notice of Availability of the EAW was published in the EQB Monitor and posted on the Saint Paul Early Notification System on October 10, 2016. The thirty-day public comment period ended November 9, 2016. The Findings of Fact and Record of Decision was completed on February 2, 2017.

The Findings of Fact and Record of Decision identifies two mitigation requirements. These are: 1) the completion of a traffic study documenting existing traffic volumes and planned operations at the school; and 2) archival photographic documentation of the existing building prior to any demolition activities, completion and submission to the State Historic Preservation Office (SHPO) of a *Minnesota Architecture-History Form* for the site, and a requirement that the finished building be consistent with the design submitted to SHPO by

the project proposer's representatives on January 10, 2017. Compliance with these mitigation requirements should be conditions of approval of the requested variances.

Linwood Monroe Arts Plus (LMAP) is a public magnet school for Pre-K thru 8th grade students. The program is currently divided between two campuses consisting of Linwood Lower (K thru 3rd grade) and Monroe Upper (Pre-K, ECFE and 4th thru 8th grades).

This site is Linwood Lower Campus, an Elementary School building constructed in 1922, which according to the applicant, is no longer suitable to accommodate the needs of today's elementary education due to its relatively small size. The space limitation resulted in a number of activities including gym, performances and meals taking place in the same gathering space and the Pre-K, 4th and 5th grades being housed in the Linwood Upper Campus a few miles away. This building accommodates grades K thru 3rd grade only.

In order to provide an adequate learning environment that would meet the education needs of the students and staff, the applicant is proposing to construct a building addition, additional parking on the east side of the existing building and other site amenities including playgrounds as shown on the submitted site and elevation plans. However, this proposal cannot be accomplished without the following variances: 1) A building footprint occupying a maximum of 35% of the lot or 28,452 square feet is allowed, the proposed building would occupy 38.5% of the lot or 31,300 square feet for a variance of 3.5% or 2,848 square feet. 2) A building height of 30 feet is allowed, the proposed addition, at three stories, would be constructed to match the height of the existing classroom spaces of 47 feet for a height variance of 17 feet.

The proposed addition is needed to match the height of the existing third floor. This school addition would be designed to mirror the height of existing elements, which vary between 46.6 feet and 52.3 feet, although the height of the new addition would not exceed 47 feet. Furthermore, the new addition would address accessibility concerns by raising the grading up around the addition 2 to 3 feet. This would also improve the height consistency around the school.

The proposed building addition would accommodate the transferring of programs Pre-K and 4th grade, which are currently located in the Monroe Upper Campus. According to the applicant, this proposal would create a better learning environment as it would allow similar-aged peer groups together in one building.

Chapter 2.4 of the Comprehensive Plan encourages the development of a strategy for investing in a broad range of infrastructure projects that support the growth of existing schools. The intent and purpose of the zoning code is to implement the policies of the Comprehensive Plan. The requested variances to allow the proposed school addition are

consistent with the above stated purpose and intent of the zoning code. This finding is met for both requested variances.

2. *The variance is consistent with the comprehensive plan.*

The City's Comprehensive Plan recognizes that economic sustainability is driven by quality schools which, as well as unique amenities, attract new populations while redevelopment renews the built environment. The request to construct a building addition large and tall enough to accommodate additional students and provide a better learning environment for both the staff and students is consistent with this vision of the Comprehensive Plan. This finding is met for both requested variances.

3. *The applicant has established that there are practical difficulties in complying with the provision that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.*

The proposed three-story building addition is intended to meet the school's educational needs and the height variance is needed to line up the new floor space with existing space on each of the three floors. However, the 30-foot height limit for all buildings in this zoning district prevents an addition that matches the existing building height without a variance.

With the current layout of this school, a number of activities occur in the same space: gym, performances and meals. Additionally, the current layout of the existing classrooms, common areas and student services are inadequate and do not meet today's educational standards. These are practical difficulties in constructing a reasonable school addition without the requested variances. This finding is met for both requested variances.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The lack of adequate floor space and the height of the existing classroom space on the third floor of this building, which the applicant is trying to match, are circumstances unique to the property not created by the landowner. This finding is met for both requested variances.

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

A school is a permitted use in this zoning district and the requested variances if approved will not change the zoning classification of the property. This finding is met for both requested variances.

6. *The variance will not alter the essential character of the surrounding area.*

The new structure will complement the existing Linwood Elementary School building architecture. Care was taken in designing the building to address character and visual concerns. In order to reach this goal, the building was designed to mirror the height of existing elements, which vary between 46.6 feet and 52.3 feet. The proposed building will not detract from the residential character of the area. This finding is met for both requested variances.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 66.231 & 66.232 are hereby waived to allow 1) A building footprint of 38.5% of the lot or 31,300 square feet for a variance of 3.5% or 2,848 square feet. 2) A building height of 47 feet for a height variance of 17 feet, ***subject to the following conditions: 1) The proposed building addition is constructed as shown on the plans submitted with this application. 2) The site development complies with the mitigation plan to complete a traffic study documenting existing traffic volumes and planned operations at the school. 3) Archival photographic documentation must be obtained for the existing building prior to any demolition activities, which must be completed and submitted to the State Historic Preservation Office (SHPO) on a Minnesota Architecture-History Form for the site. 4) The finished building be consistent with the design submitted to SHPO by the project proposer's representatives on January 10, 2017, on property located at 1023 Osceola Avenue; and legally described as Samuel B Piercesenlargement Lots 1o Thru 2o And Ex E 22 Ft For Alley Lot 21 And Vac Alley S Of And Adj Sd Lots 1o Thru Lot 14 Blk 2; in accordance with the application for variance and the site plan on file with the Zoning Administrator.***

MOVED BY: Maddox

SECONDED BY: Miller

IN FAVOR: 4

AGAINST: 1

MAILED: March 13, 2017

TIME LIMIT:

No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year.

APPEAL:

Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.

CERTIFICATION:

I, the undersigned Secretary to the Board of Zoning Appeals for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Board of Zoning Appeals meeting held on February 13, 2017 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

Debbie M. Crippen
Secretary to the Board