



Capitol Area Architectural and Planning Board



204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Phone: 651.757.1500
Web: www.mn.gov/CAAPB
TTY: 800.627.3529

Date: February 11, 2021
To: Capitol Area Architectural and Planning Board (CAAPB)
From: Peter Musty, Principal Planner (and Zoning Administrator), CAAPB
RE: Agenda Item #5: Zoning Application – St. Paul City School



Entry at University and Marion (looking northeastward)

The following memo and attached packet has been prepared by CAAPB Zoning Administrator to prepare members of the Capitol Area Architectural and Planning Board:

- 2.1 Project Summary** page 2
 - 2.2 CAAPB Staff Notes (showing Applicant’s Project Drawings).** page 3
 - 2.3 Zoning Summary** page 9
 - 2.4 Suggested Language of Board Action FOR BOARD APPROVAL** page 10
 - > *for Conditional use Permit and Variance.*
 - 2.5 Background: Board Member’s Criteria for Approval of Conditional Uses and Variances to Design Standards (MN Rule 2400)** page 12
 - 2.6 Detailed Summary of Arguments in regards to Conditional Use and Variance Criteria** page 13
- Attached: Public Notice of Variance (Includes Description of Variance)**



2.1. Project Summary: St. Paul City School

The project will establish a new (~71,000 SF) K-12 charter school, family clinic, playgrounds and parking at the northeast corner of University and Marion.

Existing: *vacant lot(s) and overflow parking lot (League of Minnesota Cities)*

Prior Land Use: prior land use: residential homes facing Sherburne, car dealership (University)

Proposed: *K-12 charter school and grounds*

new one to three story school building, parking lot, play areas and gym

Capitol Area Zoning: MX (Mixed Use) District

CCO (Central Corridor Overlay) District

Owner: Charter School Property Inc.

Development Rep.: TenSquare

Design Build Contractor: RJM Construction

Architect / Landscape Arch: Rivera Architects, Inc. / Civil Site Group

Building SF and Site: 71,000 SF (approximately), 1.79 acres

For further information or questions, please contact Peter Musty, CAAPB Principal Planner (and Zoning Administrator) by email (peter.musty@state.mn.us) or by phone 651.757.1501.

2.2. CAAPB Staff Notes (showing Applicant's Project Drawings).



View from University and Marion (looking northeastward)

Application Process and Required Reviews are Complete. The zoning administrator and applicant have followed all requirements of the *Zoning & Design Rules*, and the applicant has followed the required zoning application process. As outlined in *Zoning & Design Rules* (Section 2400.3130 - Application and review procedures.), the applicant has, with guidance of the zoning administrator, met all timelines required as of the writing of this memo.

Reviews with Stakeholders. At the Board meeting, the applicant will summarize their interactions with stakeholders including Frogtown Neighborhood and individual conversations with the community during the informal 'pre-application' stage in December of 2020. The school has scheduled two more meetings with the community. Below is a list of the events:

- *November 13th, 2020 CAAPB Meeting – Informational Presentation*
- *December 8th, 2020 – Neighborhood Zoom Meeting #1 – Presentation and Q & A*
- *February 23rd, 2021 – Neighborhood Zoom Meeting #2 – Update and Discussion with Sherburne Neighbors*
- *Spring 2021 – Neighborhood Meeting #3 – Update with focus on Construction related issues*

Reviews with CAAPB Architectural Advisors. Development team members including professionals from development team have met multiple times with CAAPB's Design Advisors (as necessary and as staff has required), and have made changes to their drawing set at several points in response to comments of Advisors and Staff. Advisor Tony Chevalier met regularly with development team and CAAPB staff at weekly meetings to

assist in working through site design issues. Advisor Bjornberg and Lemmon provided a set of building design recommendations that school designers incorporated.



Landscape Plan showing Ground Level

Compliance with Zoning and Design Rules and the Comprehensive Plan. The applicant met weekly for three months with CAAPB staff to check in regularly on a set of compliance issues, and worked to resolve all but one issue - for which they are requesting a variance (outlined later in this memo). The issues resolved by the weekly team meetings included:

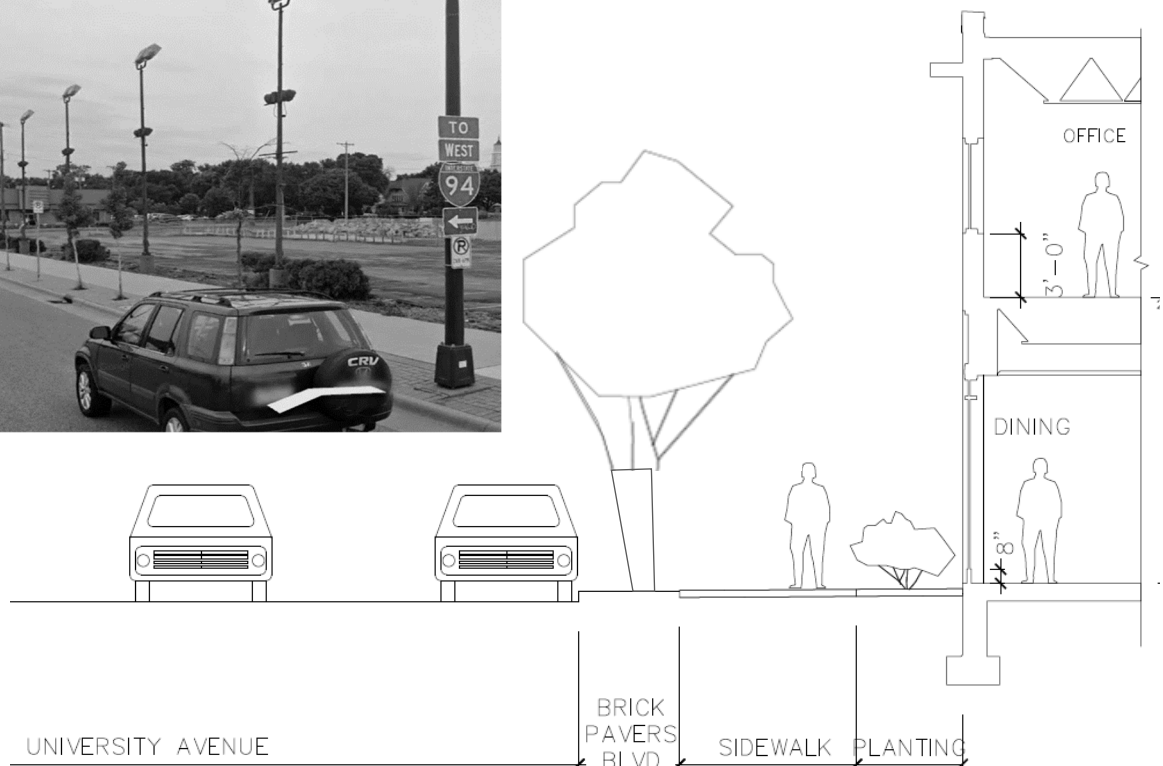
- **Floor Area Ratio (FAR) Minimum** – CAAPB’s Central Corridor Overlay (CCO) zoning district requires new buildings near transit stations to be a minimum intensity (FAR of 1.0). Which means the SF of the building must exactly match or exceed the size of the site. This requirement was met.
- **Pervious Surfaces** – CAAPB’s stormwater requirements requires that enough of the site surfaces be able to handle (resist the excessive shedding of stormwater on neighboring sites or streets) in a heavy rain event. The requirement was met for this location.

- **Two Story Height Minimums** – The Central Corridor Overlay zone requires that new buildings are a minimum of two stories, and the Flexible Frontage rules along University require that buildings be two story height that face University. The building meets the minimums for both the site and along University.
- **Ground Level Activation on University** – half of building frontages in the Central Corridor Overlay Zone must be actively designed to engage the street with ground level uses that are visually connected to the street. The building design evolved to exceed this requirement through addition of the clinic space on University and adjustments of the design of the front entry and cafeteria spaces.
- **Ground Level (Frontage) Design** – frontages along University, Marion and Sherburne were all adjusted during the design process to ensure that sidewalks felt like safe and interesting spaces through placement of windows and landscaping.
- **Shared Parking Agreements** – CAAPB zoning and design rules specifically encourages shared parking agreements to maximize investments in surface parking for commercial neighbors. Through communication and collaborations with City of Saint Paul and the League of Minnesota Cities, site planners have worked to meet CAAPB reduced parking requirements for daytime K-12 needs, but also for the needs of the gym as an assembly space in evenings and weekends.
- **Surface Parking Reduction** – CAAPB discourages surface parking, and only allows surface parking lots if they are well designed and reduce the amount of parking exposed to the street. Parking is placed midblock and connects University to Sherburne, with a gated van loading area and drop off curb designed-in to interior play space/court that will only be open at beginning and end of school days.
- **Building Design** – The Capitol Area sets high standards for civic buildings. The challenge faced by the design team for the school was to focus investments in materials on the exterior in a way that still allowed for an adequate budget to meet the needs of kids and teachers inside the building. With supervision of CAAPB advisors and staff, Rivera Architects iterated within a simplified palette of exterior materials and developed engaging and well proportioned frontages that engage the street, creating slightly different experiences on University, Marion and Sherburne. *See renderings.*

The school has developed a formal List of Mobility Commitments – The school community has a large number of families that either choose or are reliant on transit to make life affordable. One of the reasons they chose the Capitol Area, and this site in particular, is to serve those families by placing their campus in a central location within a block of numerous transit lines. As encouraged by the Zoning and Design Rules, the Capitol Rice Development Framework and many other newly approved chapters of the Comprehensive Plan, they have doubled down on this siting strategy by creating a wide ranging list of mobility commitments that will be implemented immediately in the site design and through operational strategies (including travel demand management). CAAPB has coordinated consults with Move Minnesota to assist in developing ideas. The strategies may also prove useful in obtaining regional grants supportive of transit oriented development. Staff will summarize highlights of this work at the Board Meeting.



University Avenue Experience. The experience of community members along University will be vastly improved by this project. Above is an illustration of the building looking northwestward from University Avenue. Below is the same vantage point, cropped from Google Earth. The diagram (below left) shows how the building relates to the street along University. Of note is the bays of the buildings that afford views up University Avenue along the sidewalk and toward the Capitol and LRT Station. Those interior moves, along with shopfront frontages and landscaping along the gyms 'art wall' will afford everyone a safer, more interesting and comfortable experience.



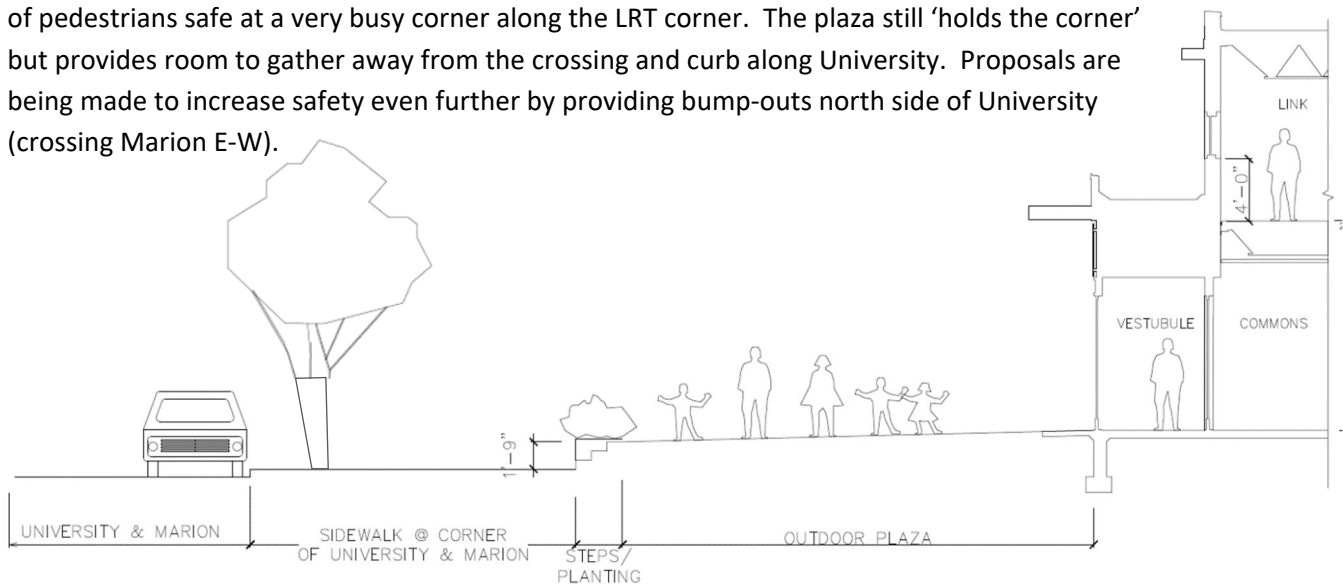


School Entry Plaza at University and Marion.

The school will welcome many kids, families and community members into the building at University and Marion . Above is an illustration of the building looking northeastward from University and Marion Avenues. To the right is the same vantage point, cropped from Google Earth. The diagram (below) shows how the building relates to the corner. The plaza setback does require a variance to be granted by the Board, which will be considered and voted upon at the meeting. CAAPB staff supports the Variance, based on the need to keep groupings of pedestrians safe at a very busy corner along the LRT corner. The plaza still ‘holds the corner’ but provides room to gather away from the crossing and curb along University. Proposals are being made to increase safety even further by providing bump-outs north side of University (crossing Marion E-W).



The plaza setback does require a variance to be granted by the Board, which will be considered and voted upon at the meeting. CAAPB staff supports the Variance, based on the need to keep groupings of pedestrians safe at a very busy corner along the LRT corner. The plaza still ‘holds the corner’ but provides room to gather away from the crossing and curb along University. Proposals are being made to increase safety even further by providing bump-outs north side of University (crossing Marion E-W).





The School at Marion and Sherburne.

The school addresses Marion Avenue with a formal three story façade facing west, with one large window per classroom in the ‘classroom wing’ of the building. As the building turns to face more residential (two story homes) along Sherburne, the detailing and scale breaks down from three to two stories) and becomes more informal architecturally, while still holding the street as the grade rises to the east. Above is the future illustration of the building looking southeastward from University and Marion and Sherburne intersection. To the right is the same vantage point, cropped from Google Earth. The diagram (bottom right) shows how the building relates to the street along Marion.

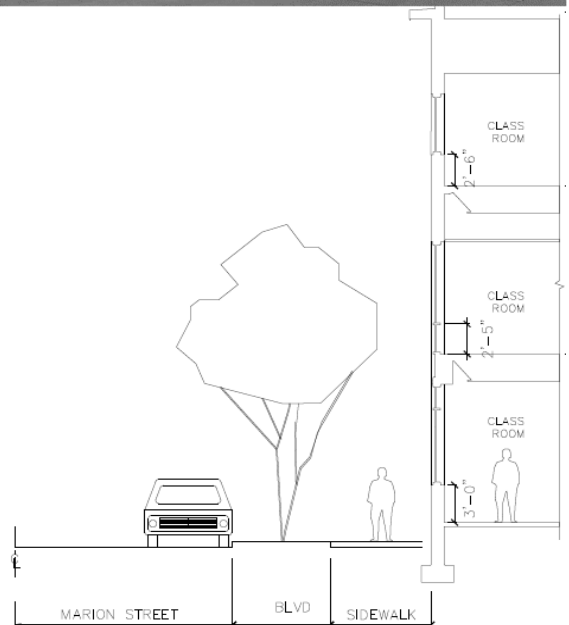


The 3-story ‘Classroom Wing’ on Marion:

High School (Third Floor Classrooms)

Middle School (Second Floor Classrooms)

Grade School (First Floor Classrooms)



2.3 Zoning Summary

Conditional Use Permits and Variances. Throughout the design development process, the Zoning Administrator was able to monitor compliance with the *Zoning and Design Rules*. In the end, the final design coming before the board presented the need for one Conditional Use Permit and one variance to be approved by the Board:

a) **Conditional Use Permit for new K-12 school.** The *Zoning and Design Rules'* Mixed Use (MX) district, a new K-12 school is permitted by Conditional Use:

- The Board must vote on the application. CAAPB Staff supports approval. (See 2.4 Zoning Summary and 2.6 Summary of Arguments...)

b) **Variance for corner setback.** The design warrants that the Board consider approval of a site design variance to the *Zoning and Design Rules, Section 2400.2400 Frontage Map. .../Subp.7 Flexible Frontage and ... Subp.8 Residential Frontage (pp. 38-39)*. The applicant proposes setting back the façade of the building (at the corner) further than is allowed by the rules, therefore a zoning variance has been requested. (All other proposed setbacks for the new building along University, Marion and Sherburne comply with CAAPB zoning requirements.)

- The Board must vote on the application. CAAPB Staff supports approval. (See 2.4 Zoning Summary and 2.6 Summary of Arguments...)

Variance Notice and Comment Period. On August 29, 2018, the required notice (*Zoning & Design Rules* section 2400.3160 Variances. Subpart 2, Item A) was sent to the current occupants, owners and tax payers of the 40+ parcels within 350 ft. of the property. (See Public Notice of Zoning Variance Application attached to this memo.) Notice was also distributed to members of the Capitol Heights Block Club. Subsequent to the notice, one informational inquiry was made by phone to Zoning Administrator from a nearby property owner. No comment was received in writing, verbally or by email as of the writing of this memo. Thirty-day comment period will be complete by the CAAPB Board Meeting on October 4, 2018. Any correspondence, if any is indeed received before the Board meeting, will be furnished at the time of the hearing.

2.4 Suggested Language of Board Action **FOR BOARD APPROVAL**

The following is a statement is provided to the Board Chair as a means to authorize a Zoning Permit that includes approval of the Conditional Use Permit and Variances outlined in this memo:

“The Capitol Area Architectural & Planning Board (CAAPB) approves of the granting of a zoning permit by the Zoning Administrator of the Capitol Area Architectural and Planning Board to Charter School Property Inc.. The permit will include:

- Conditional use permit allowing development of a new K-12 Charter School on parcel described in the February 11, 2021 Board Memo.
- Variance to design standard of the *Rules Governing Zoning and Design for the Minnesota State Capitol Area* (related to setback at corner of University and Marion) as described in the Variance Notice and outlined in CAAPB Staff Memo dated February 11, 2021.

This approval of conditional use and variances does not constitute a rezoning of the property, is valid only for the project proposed by this zoning application, and is not transferable to subsequent proposals or permit applications for this or any other property in the Capitol Area.”

Summary of the basis for CAAPB staff support of both Conditional Use Permit and Variance:

- ✓ **Satisfaction of Variance and Conditional Use Criteria.** (See 2.6 Summary Arguments...)
- ✓ **Compliance with stated *intents* of the MX Zoning District and CCO Central Corridor Overlay District.**
- ✓ **Compliance with all other standards and regulations in the *Zoning and Design Rules*.**
- ✓ **Oversight and support of CAAPB Architectural Advisors.**
- ✓ **Satisfactory neighborhood outreach.**
- ✓ **Consistency with Comprehensive Plan and the Capitol Rice Development Framework.** The project is consistent with and supportive of elements of the current *Comprehensive Plan for the Minnesota State Capitol Area* (2009) and with recent comprehensive planning by the City of Saint Paul and by CAAPB staff within soon to be adopted updates. Worth noting is that the project:
 - redevelops an important opportunity site in the Capitol Area;
 - is designed with sensitivity to context and engagement with community/neighbors;
 - increases the diversity of land uses in the Capitol Area;
 - supports economic vitality of University and Rice Street;
 - supports goals for transit-oriented development; and
 - supports vision for Capitol Rice District of a mixed walkable urban village centered at University and Rice.

No community members have yet registered to speak to the Board (regarding the proposed variance) at the time of this memo.* The February Board meeting shall serve as the close of the comment period for this variance application. Residents and businesses previously notified (through community meeting and through variance notice) wishing to speak to the matter, have been invited to do so as part of the comment period – be it verbally or in writing. *(See Appendix A: Variance Notice)*

The zoning administrator has requested that the applicant, Charter School Property Inc., and their representatives, be present before the Board on February 25th in case the Board Chair wishes to invite the applicant to speak about the project or to answer questions.

** CAAPB Staff will introduce change to the agenda should a community member come forward ahead of the meeting and wish to speak to the Board, and will make accommodation for that community member to be present on the Teams Meeting. Further, should correspondence be received regarding the proposed variance, staff will furnish that correspondence as an addendum to this memo.*

2.5 Background: Board Member’s Criteria for Approval of Conditional Uses and Variances to Design Standards (MN Rule 2400)

According to *The Zoning and Design Rules for the Minnesota State Capitol Area, 2009*;

“2400.3155. Subpart 1. Conditional use application. A conditional use application requires submittal to the board of a site plan and description of the proposed use. A conditional use is permitted upon a finding by the board that the use is specifically enumerated as a conditional use for the district and that, if established, the use:

- A. will not materially adversely affect the general character of existing principal uses;
- B. will not adversely affect the beauty, dignity, and architectural integrity of the Capitol area; and
- C. will be established under the conditions and requirements for the uses enumerated in this chapter and additional conditions and requirements as the board may impose to ensure compliance with items A and B.”

“2400.3160. Subpart 4. Variances to Design Standards. The board may grant a variance to the application of any of the design standards in this chapter only if it determines that:

- A. strict application of the design rules would prevent implementation of a design that, in terms of meeting the intent of this chapter, is equal to or superior to the design alternatives authorized by this chapter; and
- B. the criteria in subpart 3, items B to F, have been met.

...(B to F) from Subpart 3. Standards for review of variance requests. The board may grant a variance to the application of any of its rules, except for its design standards and sign rules, only if it determines that all of the following criteria have been met:

- B. the plight of the landowner is due to circumstances unique to the property, and the circumstances were not created by the landowner;
- C. the proposed variance is in keeping with the spirit and intent of... [The Zoning and Design Rules for the Minnesota State Capitol Area, 2009]... and is consistent with the health, safety, comfort, morals, and welfare of the inhabitants of the Capitol area and the city of St. Paul;
- D. the proposed variance does not impair an adequate supply of light and air to adjacent property, nor does it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;
- E. the variance request, if granted, does not permit any use that is not permitted under the Rules for the property in the district where the affected land is located, nor does it alter or change the zoning district classification of the property;
- F. the request for variance is not based solely on the desire to increase the value or income potential of the land parcel.”

2.6 Summary of Arguments in regards to Conditional Use and Variance Criteria

Conditional Use Permit: K-12 School

The granting of Conditional Use Permit by the Board is supported by CAAPB staff. Specifically, staff finds that all criteria for granting of Conditional Use Permit have all been met:

- A. **... will not materially adversely affect the general character of existing principal uses;**
 - ✓ The project will benefit the community by adding a land use that this district of the Capitol Area (Capitol Rice District) does not currently have. The activity generated at the school will benefit the commercial corridors of Rice Street and University Avenue. The proportion of the students and faculty that utilize transit will help to maximize considerable investments in transit and mobility infrastructure.
- B. **... will not adversely affect the beauty, dignity, and architectural integrity of the Capitol area;**
 - ✓ Both CAAPB Advisors and Staff new school at the corner will have a *positive* impact on the beauty, dignity and architectural integrity of the Capitol Area.
- C. **... will be established under the conditions and requirements for the uses enumerated in this chapter and additional conditions and requirements as the Board may impose to ensure compliance with items A and B.**
 - ✓ At this time, no conditions have been identified by CAAPB Staff.

Variance: Increased Setback at Corner of Marion and University

Public Notice of Variance and Description of Proposed Variance: See attached *Public Notice of Variance*.

Public Comments Received: As of the writing of this letter, CAAPB has not received any comment related to this variance after posting the variance formally to all property owners and occupants within 350 ft. Also, few (if any) questions have been raised informally from commercial neighbors, community members or residents during meeting conducted by applicant and attended by staff. There will be a meeting on February 23rd conducted by applicant with neighbors and will be attended by staff. At the Board Meeting, applicant will be present and able to represent additional comment gained from that meeting, and staff will also remind community members (on 23rd) of the standing invitation to provide written comment or to register to provide direct comment related to the variance to the Board on February 25, 2021.

The granting of the variance is supported by CAAPB staff. The applicant has filed arguments in support of the proposed variance, and the applicant will also be at the February meeting to speak to those arguments. As summarized below, staff finds that all criteria for granting of Conditional Use Permit have all been met:

- A. **...strict application of the design rules would prevent implementation of a design that, in terms of meeting the intent of this chapter, is equal to or superior to the design alternatives authorized by this chapter; and;**

- ✓ The CAAPB Zoning and Design Rules places heavy emphasis on bringing street level activity to streets and placing doors to commercial buildings close to the street so that they engage the street. The building proposed, in most locations does just this along University, Marion and Sherburne, by engaging the street with facades that pull up to the property line. However, placing the doorway of a new school (a new civic building) within the required setback at a busy corner on University creates an unsafe condition for children that are gathering before and after school and on the way to buses or coming and going from field trips. Setting back the building to create room for an attractive plaza is practical and safe design. Otherwise, forcing adherence to the typical commercial design standard on University and requiring the door and entry façade to be close to University and Marion would result in a less safe (and therefore inferior) design.
- B. ...the plight of the landowner is due to circumstances unique to the property, and the circumstances were not created by the landowner;**
 - ✓ This is true. The context of the property at University and Marion, and the Zoning and Design Rules themselves, create circumstances that are unique to this property. The CAAPB Zoning and Design Rules establishes frontage standards created primarily for commercial and residential building types, and in this case (a proposed K-12 school), is a civic building type using commercial design standards. The CAAPB Zoning and Design Standards does not provide specific regulation or guideline for designing a K-12 school entryway on a high traffic corner. Also, the alternative of setting the building back or moving the entry to another location would trigger the need for several other variances.
- C. ...the proposed variance is in keeping with the spirit and intent of... [*The Zoning and Design Rules for the Minnesota State Capitol Area, 2009*]...and is consistent with the health, safety, comfort, morals, and welfare of the inhabitants of the Capitol area and the City of St Paul:**
 - ✓ Yes, creating safe but active street level experiences is key to achieving the spirit and intent of the Comprehensive Plan. Establishing room for a welcoming plaza is an appropriate response to ensure that both the corner is reactivated, but also that kids and families are safe on a busy corridor.
- D. ...the proposed variance does not impair an adequate supply of light and air to adjacent property, nor does it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;**
 - ✓ The proposed variance does not negatively diminish light, character, or property values of any surrounding properties nor the area.
- E. ... the variance request, if granted does not permit any use that is not permitted under the Rules for the property in the district where the affected land is located, nor does it alter or change the zoning district classification of the property;**
 - ✓ No, it does not.
- F. ... The request for variance is not based solely on the design to increase the value or income potential of the land parcel.**
 - ✓ No, it is not.



Capitol Area Architectural and Planning Board



204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Web: www.mn.gov/CAAPB
TTY: 800.627.3529

Date: January 8, 2020
From: Peter Musty, Principal Planner and Zoning Administrator, CAAPB
peter.musty@state.mn.us
651-757-1501 (voicemail) / 612-743-5994 (direct)

Subject: **Public Notice of Zoning Variance Application**
Corner Setback for New School Building
@ Northeast Corner of Marion and University
215 University Avenue W., Saint Paul, MN 55103

To whom it may concern,

The Capitol Area Architectural and Planning Board (CAAPB) is in receipt of one (1) zoning variance application (from applicant Charter School Property, Inc.) to the *Zoning and Design Rules for the Minnesota State Capitol Area* (downloadable at www.mn.gov/caapb or in hardcopy format or emailed PDF via request from CAAPB Zoning Administrator Peter Musty (peter.musty@state.mn.us)).

This letter is to serve as notice of a public comment period for the variance. The CAAPB Board will be meeting to review and vote on the variance(s) in February, no earlier than thirty days following issue of this notice. Please follow the CAAPB website, where the date and time of the meeting will be posted (www.mn.gov/caapb). Prior to that meeting, CAAPB staff is conducting the required thirty-day public comment period, during which time CAAPB Zoning Administrator (Peter Musty) is available (9am-4pm). If desired, please call or email to set up virtual appointment (peter.musty@state.mn.us / 612-743-5994) to directly review or discuss project information. Alternatively, you can write or e-mail the CAAPB Zoning Administrator with any concerns you might have, and/or to request the complete project application information via hardcopy or email. You may also attend the Board meeting in February to provide comment by registering with CAAPB Zoning Administrator in advance. A summary of the proposed project is available as an attachment to this notice. If you have any other questions, feel free to contact Peter Musty, CAAPB Principal Planner and Zoning Administrator.

Included in this notice:

Summary of Variance Request (w/ drawing by applicant)	page 2
Project Development Summary (by applicant)	attached

PUBLIC NOTICE OF ZONING VARIANCE APPLICATION
 Requested Variance to Corner Setback Regulation for new K12 School at University and Marion
 (215 University Avenue W.)

Summary of Variance Request

The proposed school building and its parcels are in the Mixed Use (MX) zoning district of the Capitol Area and also located within the Central Corridor Overlay (CCO). The variance requested is to the zoning regulation in Section 2400.2400 (Subparts 7 and 8) found on pages 37-39 of *The Zoning and Design Rules for the Minnesota State Capitol Area* found at www.mn.gov/caapb.

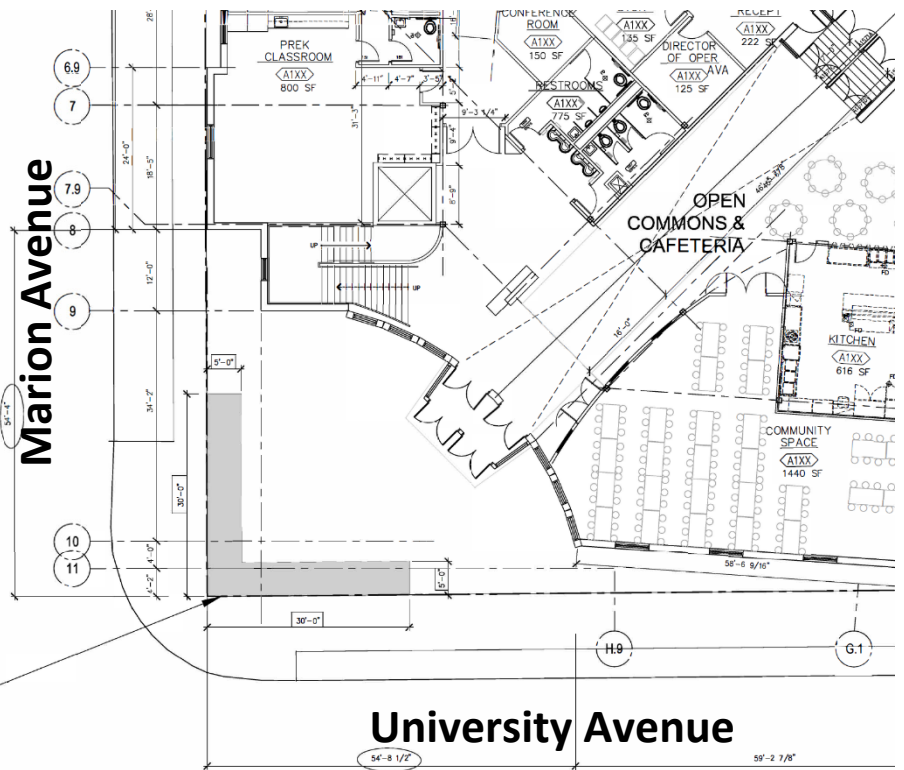
Specifically, University Avenue is classified as a *Flexible Frontage* at this corner:

“Section 2400.2400 Frontage Map./Subp.7 Flexible Frontage. ...Nonresidential or mixed-use buildings must be set back between zero and 25 feet from the lot line, but must not exceed the average block face setback. Buildings at corner locations must be located within five feet of the front lot line on either street for a distance of 30 feet from the corner.”

Further, Marion Avenue is classified as a *Residential Frontage* at this corner:

“Section 2400.2400 Frontage Map./Subp.8 Residential Frontage. ...Nonresidential buildings, where present, must be set back between zero and 25 feet from the front lot line...”

As shown in the attached drawing, the applicant proposes setting back the façade of the building (at the corner) further than is allowed by the rules, and therefore a variance is necessary.



BUILDING PLACEMENT
 Section 2040.2225
 Section 2400.2400 /Subp.2
 Section 2400.2400 /Subp.7
 Section 2400.2620 /Subp.8

MX Mixed Use District
 Building Placement
 Flexible Frontage
 Residential Frontage
 Corner Clearance

Subpart 7 - flexible frontage :
 building at corner locations must be located within 5'-0"
 of the front lot line on either street for a distance of
 30'-0"