

# CITY COUNCIL STAFF REPORT

June 5, 2019

(Agenda Item APC 19-2)

1. **FILE NAME:** Twin Cities German Immersion School **ZONING FILE #:** 18-126-865  
**APPEAL FILE #:** 19-012-422
2. **APPLICANT:** Rehder and Associates on behalf of Twin Cities German Immersion School  
**HEARING DATE:** December 20, 2018
3. **TYPE OF APPLICATION:** Variance
4. **LOCATION:** 1031 Como Ave (between Argyle and Churchill)
5. **PIN & LEGAL DESCRIPTION:** 62923220173 Warrendale Subj To Esmt, Vac Alley Accruing And Fol, Beg At The Nw Cor Of Lot 19 Thence Sely On The Nely Lot Line 60 Ft Thence S 78 Ft To Pt 48.5 Ft E At Ra From W Line Of Sd Lot Thence Swly 41.4 Ft To Pt On S Line 25 Ft E At Ra From W Line Thence Wly On SD LINE 28 FT TO SW COR THENCE N 130.7 FT TO POB BEING PT OF LOT 19 ALSO ALL OF LOTS 10 THRU LOT 15 & LOTS 20 THRU LOT 23 BLK 4
6. **PLANNING DISTRICT:** 10 **PRESENT ZONING:** R4
7. **ZONING CODE REFERENCE:** §§ 61.601; 61.202(b); 63.207
8. **STAFF REPORT DATE:** June 5, 2019 **BY:** Josh Williams
9. **DATE RECEIVED:** November 29, 2018 **60 DAY DEADLINE FOR ACTION:** June 8, 2019

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- A. **PURPOSE:** Variances for maximum building height (30' allowed, 33'-1" proposed), maximum lot coverage (35% allowed, 36% proposed), and minimum off-street parking (86 spaces required, 52 spaces proposed).
  - B. **PARCEL SIZE:** 77,471 sf, plus 6,020 sf for half the alley (approx. 1.92 acres)
  - C. **EXISTING LAND USE:** K – 8 school with 587 students and 80.5 FTE staff
  - D. **SURROUNDING LAND USE:**
    - North: R4 single-family and duplex
    - East: R4 single-family and multi-family
    - South: R4 single-family and institutional
    - West: R4 single-family
  - E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to permits; §61.601(b) lists the findings that must be made for the Planning Commission to grant a variance of code requirements; §63.207 lists off-street parking requirements by use.
  - F. **PARKING:** Zoning Code § 63.207 requires a minimum of 1 off-street parking space for each employee of an elementary or middle school. The expected staff FTEs requires 86 off-street parking spaces (fractional spaces including .5 are disregarded). The project is proposing a 34 space parking deficiency. The site plan includes: 1) 28 planned surface off-street vehicle parking spaces, 2) removal of 7 existing off-street parking spaces, 3) one required bicycle parking space plus excess bicycle parking of 36 spaces, which allows for a 10% parking reduction, and 4) proposed shared parking for 15 off-street parking spaces with an adjacent church at 1040 Como Ave.

## G. HISTORY/DISCUSSION:

An application for variances of maximum building height, maximum lot coverage, and minimum off-street parking was received on November 29, 2018. A public hearing on the proposed variances and the associated site plan were held by the Zoning Committee of the Planning Commission on December 20, 2018. The Zoning Committee laid over action on both applications to January 17, 2019. At that meeting, the Zoning Committee voted to recommend denial of both applications. The City Attorney's Office has determined that subsequent Planning Commission action on the Zoning Committee recommendations

followed improper procedures, and that as a result, no official action has been taken on the applications as of this time.

The property is currently developed with a K – 8 school. The applicant is proposing a new 3-story, 23,500 sf building addition for classrooms, gymnasium and cafeteria, as well as expanded green space for use as a play area and infrastructure underneath to manage stormwater run-off from the building addition. The proposed site plan is predicated on removal of the existing Aula (former St. Andrews Church) building and east surface parking lot.

An application was submitted by a third-party seeking to designate the former church as historic. The Saint Paul Heritage Preservation Commission (HPC), at a public hearing on November 5, 2018, voted that the former St. Andrew’s Church is eligible for local designation as a Saint Paul Heritage Preservation Site. Sec.73.05 of the Saint Paul Legislative Code requires the HPC to solicit recommendations on any proposed local designation from both the Planning Commission and the State Historic Preservation Office (SHPO). On December 14, the Planning Commission voted to recommend against proposed designation. Also on December 14, a letter from SHPO supporting the nomination was provided to the Saint Paul HPC. On January 14, 2019, the HPC held a public hearing on the proposed preservation plan for the former St. Andrew’s Church, and forward a recommendation for local designation to the City Council for consideration, along with the recommendations from the SHPO and the Planning Commission. The City Council held a public hearing on the nomination on May 15, 2019, and laid the nomination over for action on June 5, 2019. If the building is designated, the HPC would need to review and approve all exterior work at the property, including any proposed demolition. Any HPC decision on an application for exterior work would be appealable to the City Council.

H. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Como Community Council has recommended approval of all three variances, and that the Twin Cities German Immersion School not be required to retain or replace the 7 off-street parking spaces currently located east of the former church building.

I. **FINDINGS:**

1. Twin Cities German Immersion School (“TCGIS”) has stated that proposed building on their site will allow growth in their enrollment that will require 6 additional employees. This will bring the total number of employees to 86.5, and an off-street parking requirement of 86 spaces. The projected increased in employees is necessary to accommodate the planned expansion of enrollment to 3 sections for each grade, K-8. According to the applicant, the current enrollment of the school is 585 students, and the projected future enrollment is 648 students.

In 2013, TCGIS received site plan approval for construction of a new school building connecting an existing school building on the site to the existing former St. Andrews Church building, and for changes to parking and landscaping, resulting in a net loss of approximately 8 off-street spaces on the site and the addition of play areas and landscaped areas. At the time of that approval, TCGIS reported 32 employees, for an off-street parking requirement of 32 spaces; the site plan approved in 2013 included 33 off-street spaces.

2. The applicant is proposing to meet the off-street parking requirement of 86 spaces through an existing 26-space surface lot that will be enlarged and restriped to accommodate 28 spaces, providing 37 secured bicycle parking spaces (1 required) to reduce the required amount of off-street parking by 10%, a shared parking agreement with a neighboring property for 15 off-street spaces, removal of an

existing 7-space lot, and a 34-space variance of the off-street parking requirement.

3. Section 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.* For variances of maximum building height and maximum lot coverage, this finding is met. The magnitude of those variances is small, and they are reasonable accommodations for an allowed use that requires larger buildings than other uses permitted in the zoning district. This finding can be met for the variance of minimum off-street parking, provided the applicant does not further reduce the amount of off-street parking provided on-site. The proposed site plan would result in the loss 7 off-street parking spaces currently located to the east of the former church. A requirement to limit student enrollment at TCGIS to a total of nine grade levels and three sections or classrooms per grade should be a condition of approval of the off-street parking variance.

(b) *The variance is consistent with the comprehensive plan.* This finding is met. Policy 1.55 of the Land Use Chapter of the *Comprehensive Plan* calls for the City to “collaborate with public and private elementary and secondary schools in conjunction with construction or major remodeling”. The requested variances are reasonable to accommodate the proposed school building height and total lot coverage, and to accommodate the projected student enrollment and corresponding staffing needs as described by the applicant.

The proposed variances are also consistent with the *Como Park Community Plan*, which calls for the neighborhood to be home to institutions offering desirable services close to home. The requested variances help facilitate the construction of a new building that meets the needs of TCGIS for projected enrollment and staffing.

(c) *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.* This finding is met for the variances of maximum building height and maximum lot coverage. The proposed new building would occupy a similar though slightly larger footprint as the existing former church, and will be of similar mass and slightly lower height than the existing building. The requested variance of maximum lot coverage is small relative to the size of the property, and reducing the footprint of the proposed new building to meet the maximum lot coverage requirement, while potentially feasible, would have a minimal impact on the overall site plan while potentially negatively impacting the functionality of the proposed building for its intended use.

The school is an allowed use, and the configuration of buildings on the lot does not provide sufficient area to construct additional, new parking sufficient to meet the off-street parking requirement. While the applicant proposes removing 7 existing off-street spaces, this is a reasonable way to achieve needed, usable green space on the site, and the project will result in a net increase in off-street parking provided that the proposed shared parking agreement with a neighboring property is implemented. This finding can be met for the variance of minimum off-street parking, provided the applicant does not further increase the off-street parking requirement. A requirement to limit student enrollment at TCGIS to a total of nine grade levels and three sections or classrooms per grade, and a requirement to establish and maintain a shared parking agreement for 15 off-street spaces at 1040 Como Avenue should be conditions of approval of the off-street parking variance.

(d) *The plight of the landowner is due to circumstances unique to the property not created by the*

*landowner*. This finding is met for the variances of maximum building height and maximum lot coverage. The proposed new school building is an allowed use and will, if approved, occupy a similar though slightly larger footprint as the existing former church, and will be of similar mass and slightly lower height than the existing building. The former church building, which will be replaced by the proposed school building, was built long prior to the current owner's control of the site.

This finding can be met for the variance of minimum off-street parking, provided the applicant provides all proposed parking and does not further increase student enrollment so as to increase the off-street parking requirement at 1031 Como Avenue. The proposed site plan would result in the loss 7 off-street parking spaces currently located to the east of the former church. In 2014, the applicant constructed a new building connecting an already existing school building on the property with the former church building. At that time, surface parking to south and west of the existing school building was removed to accommodate the new school building and an outdoor play space. Based on review of a 2011 aerial photo of the site, it appears that a least 24 off-street parking spaces were removed. Also at that time, according to site plan records, the former rectory building, to the west of the former church was demolished and replaced by a new 26-space parking lot, and the existing parking lot to the east of the former church was reduced in size by 10 spaces, from 17 to the current 7. The net impact to off-street parking on the site was a loss of 8 spaces. The net loss of 8 off-street spaces at the time of the 2014 expansion can be off-set by a shared parking agreement for use of 15 spaces with the owner of the neighboring property at 1040 Como Avenue. A requirement to limit student enrollment at TCGIS to a total of nine grade levels and three sections or classrooms per grade, and a requirement to establish and maintain a shared parking agreement for 15 off-street spaces at 1040 Como Avenue should be conditions of approval of the off-street parking variance.

- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. Elementary and middle schools are allowed uses in the R4 one-family residential district, and the proposed variances do not change the use.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is or can be met for all proposed variances. The proposed building will be similar in mass to the existing building proposed for removal, and the use already exists in the area. The variances will allow increased enrollment and employment at TCGIS, increasing traffic to and from site. The applicant has provided a traffic impact study (TIS) for review by Public Works, and Public Works has accepted the TIS. Implementation of the TIS recommendations and of any operational or engineering solutions subsequently identified by Public Works as necessary to improve public safety should be a condition of approval of the off-street parking variance.

**J. STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variances for maximum building height (30' allowed, 33'-1" proposed), maximum lot coverage (35% allowed, 36% proposed), and minimum off-street parking (86 spaces required, 52 spaces proposed by applicant, for a variance of 34), subject to the following additional conditions:

1. Site plan approval.
2. Traffic Impact Study solution recommendations requiring changes to the public realm, including a marked pedestrian crossing on Como Ave at Oxford St and time-of-day parking restrictions, shall be implemented. Public Works Traffic Engineering and the applicant shall assess additional operational

and engineering solutions to improve safety; the school shall implement prescribed solutions as directed by Public Works.

3. Establishment and maintenance of a shared parking agreement for 15 off-street parking spaces at 1040 Como Avenue, to be approved and monitored by the Zoning Administrator. If the parking agreement is terminated for any reason, Twin Cities German Immersion School shall immediately notify the Zoning Administrator in writing and apply for a 15-space off-street minimum off-street parking requirement variance.
4. Twin Cities German Immersion School student enrollment shall be limited to no more than nine total grade levels and three sections or classrooms per grade level.