

- City Council Representative
 - Mayor's Office
- Attended BOE meetings and spoke.
 - Attended SHA ZLU and SHA Board meetings and spoke.
 - Asked to meet with SPPS people to discuss alternatives.
 - Proposed an alternate plan for a 2-story Linwood addition, which included larger classrooms, a new cafeteria, and better preservation of the open space.
 - Attended all the meetings we were asked to attend and when given the opportunity, presented our aims, most of which were rebuffed.
 - Conducted an online survey (85-92% don't support the variances).
 - Walked a petition around the neighborhood and gathered more than 160 signatures.
 - Wrote an editorial and letters to the Editor that were published in the *Villager* and *Pioneer Press*.

Bottom-line, we have tried in many different ways to get the attention of the SPPS and facilities personnel and engage with them to find a solution that will not require our opposition to the variances.

Why We Oppose the Variances

As one of our neighbors said in his editorial to the *Villager*: **Too Much, Too Big, Too Tall.**

Too Much:

- 120-165 new students – Pre-K and 4th grade - are slated to move from Monroe to Linwood, which puts many more students into an already too small school site. It appears one reason for this is to create more spots at Monroe for parents who don't want to send their kids to Ramsey Middle School. Ironically, neither school is in the Summit Hill district.
- Monroe, which is *nearly three times bigger* than Linwood, will have 4 grades, while Linwood, the smallest campus of all SPPS elementary schools, will have 6 grades levels.
- The increased attendance will create increases in car traffic, truck deliveries, idling buses, parking pressures, and pollution in our neighborhood.

Too Big:

- The addition is too big for this small site, and fails to follow zoning codes for lot coverage.
- This school campus is extremely small, just 1.82 acres. It is the smallest campus of any SPPS elementary school in the city and occupies just a third of a city block. The expansion proposes covering technically 38.5% of the lot, though actually it will cover 39.7% of the lot.
- The scale is out of proportion in this historic neighborhood. Most homes and buildings abide by the established lot coverage codes, creating a healthy balance of open space which is particularly valuable in our dense neighborhood.
- The view of the proposed addition from homes across the street will be of a monolith, a huge presence that will be inescapable.

Too Tall:

- The building height is too tall for the neighborhood. It fails to follow zoning codes for height. It will tower over the homes and even the apartment buildings in the area.
- The building height will be accentuated by the lack of set-back, green space, and playground areas that exist presently, but are being eliminated. In other words, the building will feel even taller because it will be closer to the homes it towers over.
- The height will create more shade for the playground and the surrounding homes, especially in the winter when passive solar heat from sun shining on our homes is most welcome and deep shade only drives up the heating bills, brings a chill to the bones, and robs the house of light.

Conclusion

We want what's best for the kids at Linwood, but also what's best for this small neighborhood in Summit Hill, where this much appreciated school has lived for the past 90-odd years.

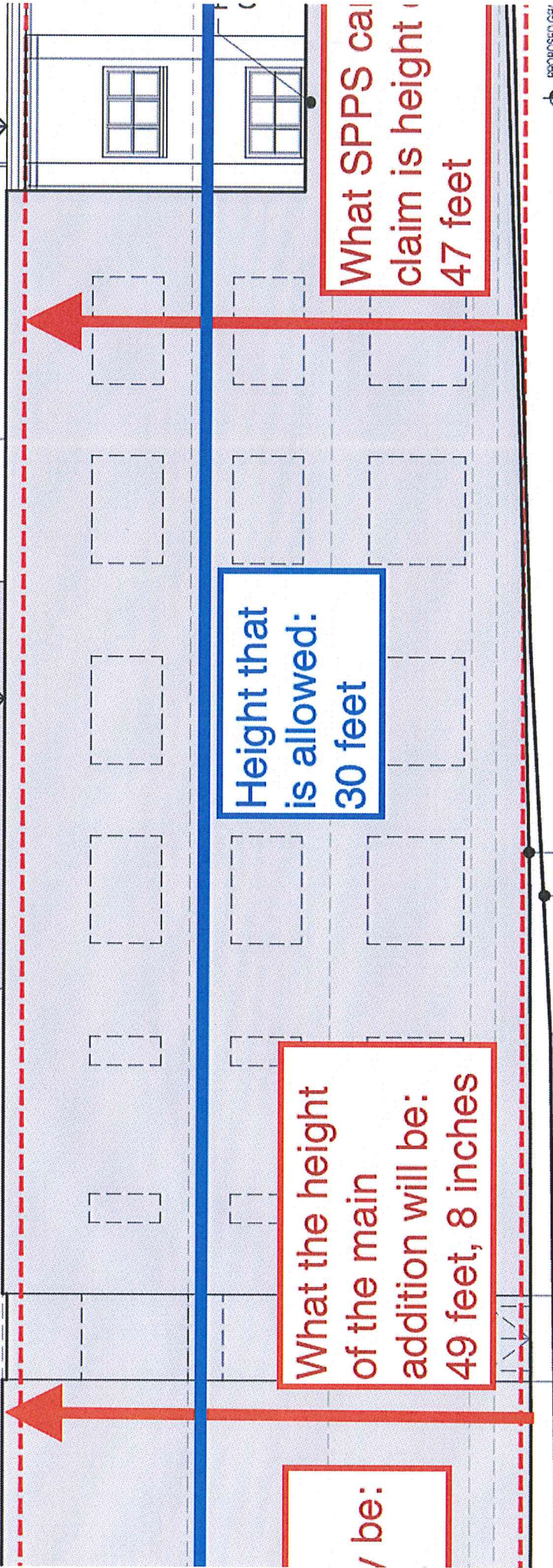
Linwood is a part of our cherished past and we want it to be a part of our proud future. We don't want this fight, but we want to make the design right: right for the kids, right for the school, and right for the neighborhood.

Please don't approve the variances as they presently stand. Thank you.

ALIGN PARAPETS

NEW PENTHOUSE

ALIGN PARAPETS



Height that is allowed: 30 feet

What the height of the main addition will be: 49 feet, 8 inches

What SPPS claim is height: 47 feet

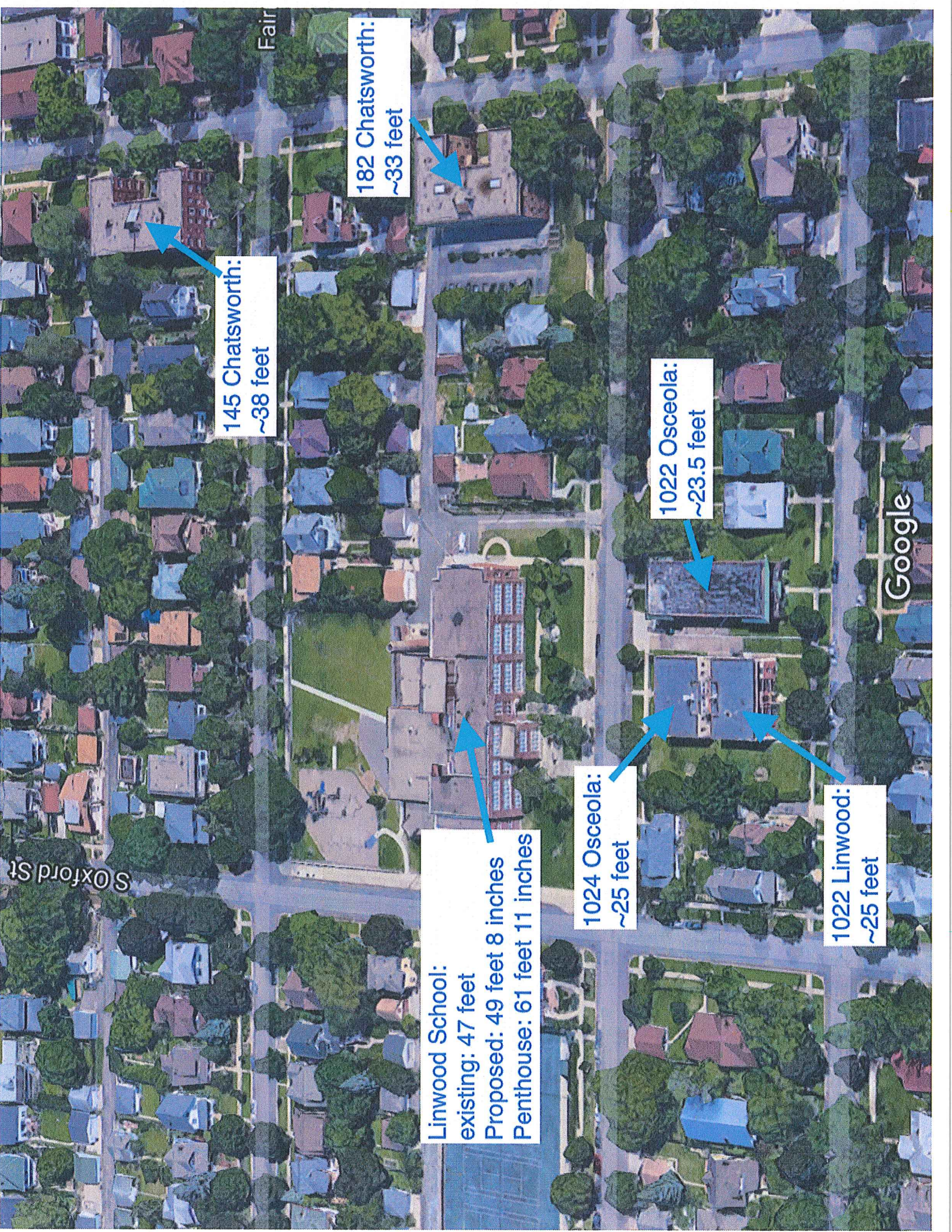
be:

EXISTING GRADE AT SIDEWALK
PROPOSED GRADE AT ADDITION

RD STREET)

519





S Oxford St

Fair

Google

182 Chatsworth:
~33 feet

145 Chatsworth:
~38 feet

1022 Osceola:
~23.5 feet

Linwood School:
existing: 47 feet
Proposed: 49 feet 8 inches
Penthouse: 61 feet 11 inches

1024 Osceola:
~25 feet

1022 Linwood:
~25 feet

FILE
10 06 7184

Westenhofer, Sean (CI-StPaul)

From: Becca Pryse <bpryse@yahoo.com>
Sent: Thursday, February 9, 2017 10:09 AM
To: Westenhofer, Sean (CI-StPaul)
Cc: #CI-StPaul_Ward2
Subject: Comments on 1023 Osceola - Two Major Variance
Attachments: linwood height comp (5) (1).tiff

Dear Board of Zoning Appeals Members,

I am writing today to ask you oppose the request by the property owner at 1023 Osceola for two major variances at this time.

I would love to tell you how much I love having the school as a neighbor, and about how much I love the sounds of laughter and joy that bounce off the school walls when the students are outside playing during recess and using up every inch of the outdoor space on the north side. I would love to share with you about how the playground is a neighborhood gathering place for children to play tag and other fun games, basketball, baseball, and soccer, a place where friendships are formed and neighbors may meet for the first time. I would love to tell you that it is also a destination for families around St. Paul who want a nice, safe place for their children to play. I would love to tell you about my own two kids, two amazing boys who have a lot in common with the students at Linwood – they are immigrants, learned another language before English, receive special education services, are part of a racial minority group, and they attend a different SPPS magnet school.

But I won't get into all the wonderful things I want to tell you, because this is an issue about two major zoning variances, **and the facts as they apply to the six criteria established by the City of St. Paul must be the focus.** I do not take my objections to the variance lightly; as stated, my kids are very much like many of the kids who attend this school and their needs matter. It is my opinion that SPPS is doing a huge disservice to the children attending Linwood if these two major variances are approved. It will create a building very out-of-scale with the neighborhood and shrink an already too small playground. Proponents of the project have said it is only decreasing a small amount – if you look at the maps provided by the school district, they count the front yard and new pre-k playground as playspace to make it appear like less of a loss. However, they can't magically create new outdoor space just by labeling it on a diagram, and the front yard is not a place where children play, nor should they since it is not fenced and adjacent to the alley way.

There are many worthwhile things SPPS says they want to do with this building which they detail in their variance application which can be done without a variance. They want to finally update the building to be ADA compliant. This should have been done years ago, and I applaud them for doing this now, especially since they made a programming decision to make Linwood a magnet school for children with developmental and cognitive disabilities. Those children deserve to access all the school has to offer. They also want to upgrade the HVAC system, which is another wonderful thing. They want to add a separate cafeteria so the kids can eat lunch in a different room than the gym/auditorium. That also seems like a worthwhile goal. They want to improve the aesthetics of the exterior of the building and fix broken things like lockers inside the building. All these are wonderful endeavors and can be done TODAY without any need for the involvement of the BZA to grant variances.

The proposed major expansion is not in harmony with the neighborhood. The school is surrounded on three sides by residential streets, and on the other side are single family homes. The school is on about 1/3 of a city block, which is in contrast to other SPPS schools. (The Monroe Campus has two full city blocks for their

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programming). The proposed major expansion would have a height of more than 47 feet at the lowest point of measurement, but will exceed 60 feet when measured from the Fairmount side of the building. There are several apartment buildings in our area, and all the buildings are much shorter than the current and proposed school expansion. The apartment buildings across the street on Osceola are under 30 feet in height, and the tallest building, on the corner of Fairmount and Chatsworth, is about 38 feet maximum, measured to find its highest elevation point. Moreover, the proposed expansion would take the school from 27.8% lot coverage to 38.5% lot coverage, which will come at the cost of open play space for children of the school and neighborhood, and does not include the parking lot which is unusable as play space.

What is driving the need for variances is totally within control of the applicant, SPPS. They have made a programming decision to move more students to the campus and need more space for this reason. They have said they will be adding about 165 students to the campus. Because it is an arts magnet school, they say they need separate rooms for drama, music, dance, performance space, etc. Those are all decisions that are being made by the school district and are completely in their control. SPPS created a dual-campus school and have said that space needs at another school in another neighborhood is the reason why they need to shift kids and put pressure on the space needs at Linwood. They are a public entity and own many properties around the city and have the ability to purchase more. One neighbor adjacent to the school talked to them about buying their property, and the district dismissed the idea. They also, arguably, have excess capacity to build at other locations, own a property in the West 7th neighborhood that they are trying to sell, can move schools to meet programming needs (they have done this my children's school once and will be doing so again for the 2018-19 school year), and they can buy and build new school buildings (they are currently doing this for the RiverEast school and plan to build a middle school on the east side of St. Paul).

I also want to point out that SPPS does not ask for a parking variance at this location, which would be supported by many in the neighborhood. This is odd to me, because SPPS asked for one at Saint Anthony Park Elementary, and the BZA granted that in January. They say there will be fewer buses, which means the whole north side of the property along Fairmount is no longer needed during school hours to be a "Bus Only" parking lane, which means teachers and visitors have more options for on-street parking. They could also put parking spots along the alley, but opt to instead build a new parking lot. I will also note that the Adams Spanish Immersion school plans were changed by SPPS after their district council wanted less parking and more green space.

Thank you for considering my comments. Please oppose these two major variances and ask SPPS to come back with a better plan that either meets the current zoning code or requires variances that meet the six criteria established by the city to grant a variance.

Sincerely,
Becca Pryse
1021 Fairmount Ave

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Fair

Google

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~38 feet

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~33 feet

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FILE
16-067184

Westenhofer, Sean (CI-StPaul)

From: McKinney, David P. <david.mckinney@ogletree.com>
Sent: Friday, February 10, 2017 10:06 AM
To: Westenhofer, Sean (CI-StPaul)
Cc: Noecker, Rebecca (CI-StPaul); Alexandra Klass; Kristin Hickman (jdkristin@yahoo.com); McKinney, David P.
Subject: Opposition to the Application for Zoning Variances for Linwood School Addition
Attachments: February9_Ltr_to_BZA.PDF

Mr. Westenhofer:

Attached is a copy of a letter that was sent to you via U.S. Mail today regarding Saint Paul Public Schools' request for approval of two zoning variances in connection with a proposed expansion to Linwood Elementary School. Please kindly and promptly distribute (today if possible) copies of the same to the Members of the Board of Zoning Appeal for consideration as they deliberate on whether to grant this request, and also ensure that it is part of the official record and the public hearing scheduled for February 13, 2017.

Thank you.

David

David P. McKinney | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Wells Fargo Center, 90 South Seventh Street, Suite 3800 | Minneapolis, MN 55402 | Telephone: 612-336-6860 | Fax: 612-339-0061

david.mckinney@ogletree.com | www.ogletree.com | [Bio](#)

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February 9, 2017

VIA EMAIL and U.S. MAIL

Board of Zoning Appeals
c/o Department of Safety and Inspections Zoning Section
City of Saint Paul
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

RE: Application for Zoning Variances - Linwood School Addition

Dear Board Members:

We are three residents of the Summit Hill neighborhood who all live within approximately one block of Linwood Elementary School. Among the three of us, we are lawyers and legal educators (with expertise that includes environmental and land use law, administrative law, and litigation), as well as parents of school-age children (including children who have attended Linwood School and other public schools in Saint Paul).

We write in connection with the public hearing scheduled for February 13, 2017 for the Board of Zoning ("BZA") to consider a request for two zoning variances in connection with a large addition onto Linwood by Saint Paul Public Schools ("SPPS"). We hope this letter provides a succinct and clear summary of some of the reasons why SPPS has fallen far short of meeting the City's required showing for the variances.

In order to grant the variances, BZA must find that SPPS has met all of the following conditions:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. The applicant has established that there are practical difficulties in complying with the provision and 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.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
6. The variance will not alter the essential character of the surrounding area.

The SPPS variance request does not meet any of these requirements. The project involves both an uncontroversial *modernization* of the existing Linwood School facility and a controversial three-story *addition* that will increase the building footprint by approximately 40% and, between footprint and height, add about 39,000 square feet of floor space. Keep in mind that Linwood School is the smallest elementary school site (1.82 acres) in the entire city of St. Paul. The proposed addition would expand the building's footprint to the extent that approximately one-

525

half of the existing open play space between the school and Fairmount Avenue would be eliminated to make room for the new building.

In public documents and presentations before the Summit Hill Association and elsewhere, SPPS personnel have defended the project as serving two separate and mutually exclusive purposes. First, the existing building needs to be updated in several ways, but particularly to bring it into compliance with various state and federal laws like the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.* Second, SPPS wants to move an estimated 120-165 students from another, larger campus located at 810 Palace Avenue in St. Paul, and the existing, much smaller Linwood School building is not large enough to accommodate that 50% enrollment increase.

The SPPS's variance request implies that the Linwood School building cannot be modernized without also being expanded and that Linwood School is presently overcrowded. Neither proposition is supported by evidence and both are inaccurate. First, there is no contention that Linwood School is currently overcrowded with its present enrollment of slightly over 300 students. Indeed, the SPPS has conceded publicly at hearings before the Summit Hill Association Zoning and Land Use Committee and elsewhere that the forecasted enrollment increase is the result of SPPS's desire to move pre-kindergarten and fourth grade students (120-165 students in total) from the larger school facility on Palace Avenue at which they are presently enrolled, rather than circumstances beyond SPPS's control. Moreover, SPPS representatives have conceded publicly at hearings before the Summit Hill Association Zoning and Land Use Committee and elsewhere, that the existing Linwood School building can be modernized to comply with the Americans with Disabilities Act and to accommodate its existing enrollment without constructing the oversized addition to Linwood School that the current project proposal contemplates.

Even more fundamentally, the proposed addition will alter the essential character of the Summit Hill neighborhood of which Linwood School is a part. A neighborhood's character is determined not merely by the architecture of its structures but by the blending of its structures, streets, open space, and landscaping. This is a residential neighborhood. Single-family houses, duplexes, and small apartment buildings are close to one another but are set back substantially from the streets, leaving wide sight lines. Most of the houses have front porches and yards. The streets are lined with trees and sidewalks. The result is a neighborhood environment that is open, green, pedestrian-friendly, and communitarian. People walk the streets and interact with one another. Like other structures in the neighborhood, the Linwood School presently is set back from the boundaries of the property. The property behind the building is largely open, with substantial green space and playground equipment. And, consistent with the neighborhood's character, people walk from all over the neighborhood to the Linwood School's playground, which is the only open play space within the pedestrian-friendly boundaries of Grand Avenue, Lexington Parkway, Dale Street, and St. Clair Avenue, and thus is a major meeting point for families who live in the neighborhood.

Linwood School's large, grassy field and playground are particularly welcoming for younger children, who can easily walk to the site and play without constant parental supervision. Children do not need to traverse busy streets to get to Linwood School's park and playground, and the

Letter to BZA re: Application for Zoning Variances - Linwood School Addition

nearby residences and use of the park and playground by children enrolled at Linwood School make it an especially safe place for neighborhood children to play. On any given day, in all seasons, one can find small children playing on Linwood School's playground equipment and children and adults of all ages playing pick up soccer and baseball, throwing balls of all types, running, and playing with pets on Linwood School's large, grassy field. Many of these children are Linwood students using the playground after school and on weekends, many are neighborhood children, and some fall into both categories.

The proposed project is fundamentally inconsistent with the historic character of the Summit Hill neighborhood. The project would add a large three-story building that would run only a few feet from the lot line along the Oxford Street side of the property, substantially diminishing the sight lines of the surrounding streets. With its combined footprint and height, the building—rather than the open space—would dominate the property and loom above the surrounding residential structures, detracting from the area's residential character. Linwood School's park and playground space will be substantially reduced. And the alteration would be experienced not only by Linwood School's immediate neighbors, but also by all of the many residents and visitors who walk the neighborhood's streets and use the park and playground.

The most unfortunate part of the present dispute over the SPPS's variance request is how it has created divisions between parents of children who currently attend Linwood School and neighbors in the community, many of whom have sent their children to Linwood School, are fully aware of the deficiencies of the current building, and are strongly supportive of renovating the school to address those deficiencies. The school has always been a central part of the neighborhood and the residents would have welcomed the opportunity to work with the school to provide input into a proposal to modernize Linwood School, including an addition that is consistent with the character of the surrounding neighborhood. But for reasons that have never been explained, the SPPS never informed the neighbors of Linwood School of the proposal for this massive addition until the notice in March 2016 that SPPS would be requesting significant variances for a major addition to Linwood School in 10 days time. It was only quick action by the neighborhood that allowed the request to be delayed until now, but SPPS's actions both prior to and since March 2016 have unnecessarily created adversity between parties who should be working together and have worked together in the past.

Although SPPS has made some modifications to its original variance requests, none of those modifications were made in collaboration with the neighborhood but were instead presented as a fait accompli or in response to requests by the State Historic Preservation Office. If the neighborhood had been included in the planning process, we are certain we could have worked with the SPPS to create a design that would have preserved the important open play space areas while still renovating and adding to the building footprint. We would still welcome the opportunity to do exactly that.

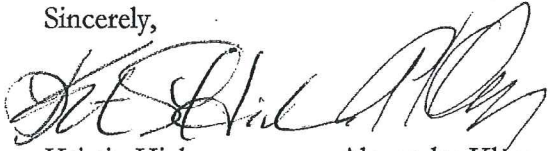
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Page 4 of 4

Letter to BZA re: Application for Zoning Variances - Linwood School Addition

Thank you for your consideration.

Sincerely,



Kristin Hickman
935 Osceola Avenue
jdkristin@yahoo.com

Alexandra Klass
990 Fairmount Avenue
aklass@umn.edu



David McKinney
173 Oxford Street South
david.mckinney@ogletreedeakins.com

cc: Rebecca Noecker, Saint Paul City Council

February 9, 2017

VIA EMAIL and U.S. MAIL

Board of Zoning Appeals
c/o Department of Safety and Inspections Zoning Section
City of Saint Paul
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

RE: Application for Zoning Variances - Linwood School Addition

Dear Board Members:

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The SPPS variance request does not meet any of these requirements. The project involves both an uncontroversial *modernization* of the existing Linwood School facility and a controversial three-story *addition* that will increase the building footprint by approximately 40% and, between footprint and height, add about 39,000 square feet of floor space. Keep in mind that Linwood School is the smallest elementary school site (1.82 acres) in the entire city of St. Paul. The proposed addition would expand the building's footprint to the extent that approximately one-

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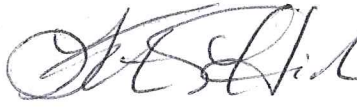
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Thank you for your consideration.

Sincerely,



Kristin Hickman
935 Osceola Avenue
jdkristin@yahoo.com

Alexandra Klass
990 Fairmount Avenue
aklass@umn.edu



David McKinney
173 Oxford Street South
david.mckinney@ogletreedeakins.com

cc: Rebecca Noecker, Saint Paul City Council

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The SPPS variance request does not meet any of these requirements. The project involves both an uncontroversial *modernization* of the existing Linwood School facility and a controversial three-story *addition* that will increase the building footprint by approximately 40% and, between footprint and height, add about 39,000 square feet of floor space. Keep in mind that Linwood School is the smallest elementary school site (1.82 acres) in the entire city of St. Paul. The proposed addition would expand the building's footprint to the extent that approximately one-

half of the existing open play space between the school and Fairmount Avenue would be eliminated to make room for the new building.

In public documents and presentations before the Summit Hill Association and elsewhere, SPPS personnel have defended the project as serving two separate and mutually exclusive purposes. First, the existing building needs to be updated in several ways, but particularly to bring it into compliance with various state and federal laws like the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.* Second, SPPS wants to move an estimated 120-165 students from another, larger campus located at 810 Palace Avenue in St. Paul, and the existing, much smaller Linwood School building is not large enough to accommodate that 50% enrollment increase.

The SPPS's variance request implies that the Linwood School building cannot be modernized without also being expanded and that Linwood School is presently overcrowded. Neither proposition is supported by evidence and both are inaccurate. First, there is no contention that Linwood School is currently overcrowded with its present enrollment of slightly over 300 students. Indeed, the SPPS has conceded publicly at hearings before the Summit Hill Association Zoning and Land Use Committee and elsewhere that the forecasted enrollment increase is the result of SPPS's desire to move pre-kindergarten and fourth grade students (120-165 students in total) from the larger school facility on Palace Avenue at which they are presently enrolled, rather than circumstances beyond SPPS's control. Moreover, SPPS representatives have conceded publicly at hearings before the Summit Hill Association Zoning and Land Use Committee and elsewhere, that the existing Linwood School building can be modernized to comply with the Americans with Disabilities Act and to accommodate its existing enrollment without constructing the oversized addition to Linwood School that the current project proposal contemplates.

Even more fundamentally, the proposed addition will alter the essential character of the Summit Hill neighborhood of which Linwood School is a part. A neighborhood's character is determined not merely by the architecture of its structures but by the blending of its structures, streets, open space, and landscaping. This is a residential neighborhood. Single-family houses, duplexes, and small apartment buildings are close to one another but are set back substantially from the streets, leaving wide sight lines. Most of the houses have front porches and yards. The streets are lined with trees and sidewalks. The result is a neighborhood environment that is open, green, pedestrian-friendly, and communitarian. People walk the streets and interact with one another. Like other structures in the neighborhood, the Linwood School presently is set back from the boundaries of the property. The property behind the building is largely open, with substantial green space and playground equipment. And, consistent with the neighborhood's character, people walk from all over the neighborhood to the Linwood School's playground, which is the only open play space within the pedestrian-friendly boundaries of Grand Avenue, Lexington Parkway, Dale Street, and St. Clair Avenue, and thus is a major meeting point for families who live in the neighborhood.

Linwood School's large, grassy field and playground are particularly welcoming for younger children, who can easily walk to the site and play without constant parental supervision. Children do not need to traverse busy streets to get to Linwood School's park and playground, and the

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nearby residences and use of the park and playground by children enrolled at Linwood School make it an especially safe place for neighborhood children to play. On any given day, in all seasons, one can find small children playing on Linwood School's playground equipment and children and adults of all ages playing pick up soccer and baseball, throwing balls of all types, running, and playing with pets on Linwood School's large, grassy field. Many of these children are Linwood students using the playground after school and on weekends, many are neighborhood children, and some fall into both categories.

The proposed project is fundamentally inconsistent with the historic character of the Summit Hill neighborhood. The project would add a large three-story building that would run only a few feet from the lot line along the Oxford Street side of the property, substantially diminishing the sight lines of the surrounding streets. With its combined footprint and height, the building—rather than the open space—would dominate the property and loom above the surrounding residential structures, detracting from the area's residential character. Linwood School's park and playground space will be substantially reduced. And the alteration would be experienced not only by Linwood School's immediate neighbors, but also by all of the many residents and visitors who walk the neighborhood's streets and use the park and playground.

The most unfortunate part of the present dispute over the SPPS's variance request is how it has created divisions between parents of children who currently attend Linwood School and neighbors in the community, many of whom have sent their children to Linwood School, are fully aware of the deficiencies of the current building, and are strongly supportive of renovating the school to address those deficiencies. The school has always been a central part of the neighborhood and the residents would have welcomed the opportunity to work with the school to provide input into a proposal to modernize Linwood School, including an addition that is consistent with the character of the surrounding neighborhood. But for reasons that have never been explained, the SPPS never informed the neighbors of Linwood School of the proposal for this massive addition until the notice in March 2016 that SPPS would be requesting significant variances for a major addition to Linwood School in 10 days time. It was only quick action by the neighborhood that allowed the request to be delayed until now, but SPPS's actions both prior to and since March 2016 have unnecessarily created adversity between parties who should be working together and have worked together in the past.

Although SPPS has made some modifications to its original variance requests, none of those modifications were made in collaboration with the neighborhood but were instead presented as a fait accompli or in response to requests by the State Historic Preservation Office. If the neighborhood had been included in the planning process, we are certain we could have worked with the SPPS to create a design that would have preserved the important open play space areas while still renovating and adding to the building footprint. We would still welcome the opportunity to do exactly that.

In sum, we request that you deny the variance requests and direct SPPS to work with the neighborhood to create a design that meets the needs of current and future students and educators at Linwood School as well as the Saint Paul community that surrounds it.

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