

# Summit Hill Association

District 16 Planning Council  
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April 16, 2017

Saint Paul City Council  
Attn: Katie Burger  
15 West Kellogg Boulevard  
City Council Chambers 3<sup>rd</sup> Floor  
Saint Paul, MN 55102

**Sent Via Email**

To the Saint Paul City Council Members:

**RE: Case ABZA 17-5, 1023 Osceola Avenue, Lynn & Val DiEuliis**

The Summit Hill Association District 16 Planning Council (SHA) wishes to affirm its consistent position against the two variances requested by the Saint Paul Public Schools (SPPS) for expansion of the Linwood Monroe Arts elementary school at 1023 Osceola Avenue. These are outlined in the attached documents from September, 2016, sent to the Board of Zoning Appeals (BZA) the first time it heard this case, detailing why the variances did not meet the requirements of the Zoning Code.

Subsequently, an SHA representative affirmed this position, as noted in the BZA minutes of the meeting held on February 13, 2017 to consider the matter after SPPS made adjustments to its proposed plans and resubmitted them for approval. The SHA Zoning and Land Use Committee reviewed the proposed changes at its January 30, 2017 meeting. The committee then voted that the changes that were made were not substantive to the degree that should change SHA's position as previously stated in September, 2016. This was affirmed by a vote of the full SHA board at its meeting on February 9, 2017.

At the SHA board meeting on April 13, 2017, a vote of 12 to 6 again supported the position of SHA as detailed in the September, 2016 documents.

SHA respectfully requests that you consider the position we have consistently held in this matter, going back to September, 2016, as you hear this appeal by neighbors of the Linwood Monroe Arts school.

Sincerely,



Lori Brostrom

Chair, Zoning and Land Use Committee  
Summit Hill Association District 16 Planning Council

cc: Monica Haas, SHA Executive Director; Lynn and Val DiEuliis, Appellants; Councilmembers Dai Thao (Ward 1), Rebecca Noecker (Ward 2), Chris Tolbert (Ward 3), Council President Russ Stark (Ward 4), Amy Brendmoen (Ward 5), Dan Bostrom (Ward 6) and Jane Prince (Ward 7); Sean Westenhofer, PED Staff

**Attachments:** SHA letters of September 7 and 14, 2016

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September 14, 2016

Dear Board of Zoning Appeals  
**RE: 1023 Osceola Avenue, Variance Request**

I am writing in regards to the variance request for 1023 Osceola Avenue. The applicant is requesting two variances;

1. A building lot coverage variance to allow for a total of 39.5% lot coverage. The total allowable building lot coverage allowed by the zoning code is a maximum of 35%.
2. An overall building height variance to allow for a total building height of 47' as calculated by the code. The total allowable building height allowed by the zoning code is a maximum of 30'.

This item was heard in front of our Zoning and Land Use Committee on 09/06/2016, and recommended denial of both variances for failing to meet the appropriate criteria for a variance. That recommendation was then brought to our full board on 09/08/2016 and upheld as the decision of the full board with a vote of 13 in favor of denying the variances and 1 opposed.

The applicant was on hand to present to our full board, as well as answer some questions from board members in regards to the project. There were also a number of members of the community present during the meeting in opposition of the proposed variances. Please take note of the attached summary of the Summit Hill Associations Zoning and Land Use Committee attached for additional background information and the full recommendation and grounds for denial of the proposed variance requests.

Please note that the SHA and Community Members have been very active in following this matter since it first appeared in front of our board earlier this year, forming a working group with stakeholders, holding and encouraging the school district to hold neighborhood meetings, and working to allow for adequate neighborhood notice and response times to the issue. There has been information presented that would purport that we were made aware of changes to the Linwood School campus earlier in the planning process, which neither our staff, board, or majority of residents of the neighborhood would consider accurate. The SHA has encouraged, and continues to encourage additional time, planning and consideration of alternatives to the project that may better fit within the context of the neighborhood, zoning ordinances, and/or variance guidelines.

Thank you for your time and consideration in this matter.

Sincerely,  
Philip Wahlberg  
Chair, SHA Zoning and Land Use Committee

Cc: Yaya Diatta BZA-LIEP staff, City of St. Paul / Tom Parent Facilities Director, St. Paul Public Schools / Rebecca Noecker Ward 2 Councilmember, St. Paul City Council / SHA Board and Staff

# Summit Hill Association

To: SHA – District 16 Planning Council Board of Directors  
From: Philip Wahlberg, ZLU Committee Chair  
Date: September 7, 2016  
Re: 1023 Osceola Avenue, SPPS Linwood-Monroe Lower School Campus, Variance Requests

Comments: The SHA Zoning and Land Use Committee held a meeting on Tuesday September 6, 2016 in regards to the variance requests for the Linwood-Monroe Lower School Campus located at 1023 Osceola Avenue. Below is a cursory summary of the meeting on Tuesday and includes many highlights, but is not exhaustive of all the points raised during the discussion or considered by the committee.

There was a presentation on behalf of the applicant, to introduce the project, by representatives of the SPPS district, as well as members of their architecture firm U+B Architecture. There were also approximately 30 members of the community present to voice their objections to the proposed variance requests.

The variances requested are as follows.

1. A building lot coverage variance to allow for a total of 39.5% lot coverage. The total allowable building lot coverage allowed by the zoning code is a maximum of 35%.
2. An overall building height variance to allow for a total building height of 47' as calculated by the code. The total allowable building height allowed by the zoning code is a maximum of 30'.

There were a number of questions from the ZLU committee to the applicant to discuss concerns, as well as points of discussion brought up by some of the attending members of the community including, but not limited to;

1. What type of analysis was done to look at alternate sites for the program; the district's rationale for proceeding with the same upper and lower-school campus sites for the school, and whether the rationale was justified in light of other possible locations and configurations, including the idea of a possible expansion at the larger upper-school campus site.
2. Whether or not the accessibility concerns could be dealt with without the full expansion.
3. What the overall mass of the proposed structure would be in comparison to the existing structure/allowable structure under the code requirements.
4. What the school's reasoning was for bringing the additional grades (PK and 4<sup>th</sup>) to the school, and how that is affecting the expansion.
5. The useable space of the playgrounds and sports fields.
6. How this proposal was similar or different than other variance requests made by schools in residential districts
7. How the expansion may affect traffic and parking in the area before, during and after school hours.
8. How the historic designation of the structure and/or district may affect the proposal and the need for the variances.
9. How the school districts changes in their proposal from the original variance request in March of this year.
10. What projected enrollment would be vs. current with the proposed expansions, and how many students were enrolled from the neighborhood vs. other areas of the city.
11. What the projected cost was for the proposed expansion and how it would be funded.

There was survey of hands to ascertain if there was anyone in the audience present that supported the project, or interested in speaking in favor of the project other than the project representatives, and nobody came forward in favor.

This variance request is to be analyzed based on 6 criteria found in the zoning code, which are as follows;  
Criteria #1 – The variance is in harmony with the general purpose and intent of the zoning code  
Criteria #2 – The variance is consistent with the Comprehensive Plan

Criteria #3 – The applicant has established that there are practical difficulties 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.

Criteria #4 – The plight of the landowner is due to circumstances unique to the property not created by the landowner

Criteria #5 – The variance will not permit any use that is not allowed in the zoning district where affected land is located

Criteria #6 – The variance will not alter the essential character of the surrounding area

After deliberation, there was a motion to deny the variance requests based on Criteria 1, 2, 3, 4 and 6.

Criteria #1 – This finding is not met, as the scale of the proposal is not consistent with low-density residential neighborhood and a clear case was not made that stated goals of the proposed expansion could not be met without the expansion as clarified below;

- Under the “Intent and Purpose (A)” of the zoning code: “To promote and protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community,” the applicants did not create a case that the issues they identified around accessibility, service vehicles maneuvering, educational, and mechanical system upgrades could not be accomplished without the proposed expansion, nor was data presented to support more subjective representations about adequacy of the existing space regardless of whether or not an expansion occurred. Upon questioning, it was clear that the district did not conduct a formal assessment of all options available to them to address their stated goals, nor were they able to present data to support their purported needs in several areas.
- Under the “Intent and Purpose (B)” of the zoning code: “To implement the policies of the Comprehensive Plan,” the applicants referred to the previous section, which as noted above not only did not present a cogent or compelling case for applicability, but did not address any specific areas of the Comprehensive Plan. If anything, it subverts several stated strategies and sub-strategies, e.g., Land Use Strategy 3 “Promote Aesthetics and Development Standards;” and several strategies and sub-strategies within the Historic Preservation section.
- Under the “Intent and Purpose (C)” of the zoning code: “To classify all property in such manner as to encourage the most appropriate use of land throughout the city,” 1023 Osceola is zoned R4, which is defined as “one-family residential districts [that] provide for an environment of predominantly low-density, one-family dwellings.” While “civic and institutional uses, public services and utilities that serve the residents in the districts” are specifically allowed, they are subject to the same height and lot coverage restrictions as housing. It is the zoning district’s intent that institutions in residential districts match the scale of the residential character of the district. The large scale of the proposed addition is representative of a higher density or commercial district.
- Under the “Intent and Purpose (E)” of the zoning code: “To ensure adequate light, air, privacy and convenience of access to property,” this proposed expansion would significantly and negatively impact light due to its height, small setbacks and overall massing; negatively impact privacy of neighboring residential properties, which are predominantly 30’ or less in height, by allowing greater visual access to upper floors and backyards due to added height over a much greater footprint than current; and limit access to the community of valued and highly-utilized recreational and green space that would be significantly reduced.
- Under the “Intent and Purpose (F)” of the zoning code: “To facilitate the adequate provision of transportation, water, sewage disposal, recreation and other public requirements.” This proposed expansion would actually create greater traffic congestion and reduce parking for residents in the neighborhood; potentially increase issues with drainage and runoff that would negatively impact surrounding residential properties and strain existing public resources (and potentially require a greater public investment in improvements to accommodate the proposed changes to this site due to increased usage); and demonstrably limit a valued recreational resource for the surrounding community.
- Under the “Intent and Purpose (G)” of the zoning code: “To lessen congestion of the public streets by providing off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles,” while more off-street parking has been provided, this would actually increase congestion by not providing for off-street loading/unloading of school buses and would, in fact, eliminate some current on-street parking serving the residents. Moreover, the increased usage that would result from more staff, parents and other stakeholders would increase traffic in an area which was not designed for such intensity of use.
- Under the “Intent and Purpose (H)” of the zoning code: “To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic,” as

noted above, this proposal would actually add to congestion and present greater safety issues, as well, by cutting off existing sight lines in a dense residential area due to the lot coverage, height and overall massing of the proposed expanded building.

- Under the “Intent and Purpose (I)” of the zoning code: “To ensure a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul’s existing traditional neighborhoods,” the proposed expansion completely subverts this intent with a building that is completely out of scale with the existing residential neighborhood, and which is out of character with the nature of this state-designated historic district in almost all respects other than preserving a single façade.
- Under the “Intent and Purpose (L)” of the zoning code: “To conserve and improve property values,” there is little doubt that allowing a building that looms over surrounding residences, blocking light and sight lines, while eliminating valued recreational and community-building amenities, will negatively impact property values and destabilize this established, historic neighborhood.
- Under the “Intent and Purpose (M)” of the zoning code: “To protect all areas of the city from harmful encroachment by incompatible uses,” the incompatibility lies not with the fundamental use of this site for educational purposes, but by unnecessarily forcing a much more intense use of what is the smallest school site in the St. Paul School District than was ever intended when several other options exist that weren’t formally considered and analyzed which would likely be a better current and future fit for the district’s stated goals.
- Under the “Intent and Purpose (N)” of the zoning code: “To prevent the overcrowding of land and undue congestion of the population,” as stated in several sections above, this is an overly-intensive proposed use of a site which was never intended to support it, with several permanent negative impacts which override the limited—and often unsupported by data—benefits suggested by the school district.
- Under the “Intent and Purpose (O)” of the zoning code: “To fix reasonable standards to which buildings, structures and uses shall conform,” as stated earlier, there is nothing to prevent the school district from upgrading the facilities without engaging in this expansion.

Criteria #2 – This finding is not met due to the requirement of an EAW to be completed prior to the approval of the variances. (It should be noted that the city has since delayed the BZA hearing on the matter)

Criteria #3 – This finding is not met, as by exceeding the limits of the property in *both* lot coverage and height, the increases are magnified volumetrically. It is the feeling that the amount of building and occupants of the building would be too great for the size of the site.

Criteria #4 – This finding is not met, as the applicants own design and desire for expanded programing is the basis for the variance.

Criteria #6 – This finding is not met, as the building mass that will be created in the middle of a largely single family residential area will be out of scale and character with the surrounding neighborhood.

This motion passed with a vote of 5-0 in favor of denying the requested variances. This decision will be presented to the full board at the meeting on Thursday September 8, 2016. The full board will be asked to vote on the matter, whose decision will then be sent forth to the city staff and Board of Zoning Appeals for their consideration.

It should be noted, that the SPPS is currently in the process of completing an EAW (Environmental Assessment Worksheet) that will have a public comment period after that report is completed. The neighborhood, as well as the SHA, will have an opportunity to review and comment on that report once it is made available. The City and SPPS have, as of Wednesday, agreed to delay the BZA hearing until after the EAW process has been completed.

It was noted at the meeting last night that there would be limited time for presentation and comment on this matter at the full board meeting, so that the board was able to address other community matters as well. It is asked that board members please take the time to review this decision, as well as the supporting documentation that has been supplied from staff regarding the submittal from the applicant, as well as the information from the neighborhood that has been received. If there are any questions in regards to the ZLU’s decision or the variance requests being considered in front of the board please let me know.