

MINUTES OF THE ZONING COMMITTEE
Thursday, December 20, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, Fredson, Lindeke, Ochs, and Reveal
EXCUSED: DeJoy, Edgerton, and Rangel-Morales
STAFF: Lucy Thompson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker.

Dorothy Day Center - 18-127-225 - Modification of conditional use permit #17-211-599 to increase the number of shelter beds from 320 to 356 at 435 Dorothy Day Place, NW corner at Old Sixth

Lucy Thompson presented the staff report with a recommendation of approval with conditions for the conditional use permit. She stated District 17 recommended approval with conditions, and there were no letters in support or opposition.

In response to the Commissioner Reveal, Ms. Thompson stated the current approved occupancy is 320 beds. A modification is required to allow 356 shelter beds that would be added over a period of time.

In response to Commissioner Baker, Ms. Thompson said they will be bringing in the additional beds in phases and would use mats in the interim.

The applicant, Gerry Lauer, 435 Dorothy Day Place, explained that the space is limited and would only allow for 24 mats to be used until they can secure the funding for custom-made bunk beds. Once they can move forward with construction of the bunk beds, they would like to have 356 shelter beds.


No one spoke in support or opposition. The public hearing was closed.

Commissioner Elizabeth Reveal moved approval with conditions of the conditional use permit. Commissioner William Lindeke seconded the motion.

The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Lucy Thompson
Principal City Planner

Approved by:


Dan Edgerton
Chair

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EXCUSED: DeJoy and Edgerton
STAFF: Tia Anderson, Josh Williams, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker.

Twin Cities German Immersion School - 18-117-556 and 18-126-865 – Site plan for a 3-story building addition, and variances for maximum building height (30' allowed, 33'-1" proposed), maximum lot coverage (35% allowed, 36% proposed), and minimum off-street parking (87 spaces required, 50 spaces proposed) at 1031 Como Ave, between Argyle and Churchill

Tia Anderson presented the staff report with a recommendation of approval with conditions for the site plan submitted. She stated District 10 requested that the Planning Commission table action on the school's site plan until areas of uncertainty are settled. There were 104 letters in support, and 23 letters in opposition. All testimony is available on the Zoning Committee website.

Commissioner Baker inquired about the timeline of completion of the traffic study. Ms. Anderson stated that a draft of the traffic study has been provided to the Public Works Transportation Planning and Safety Department. It is currently under review with staff and the City Engineer and given the vacations that are upon us it is in all likelihood it is going to be in January by the time the appropriate Public Works staff have an opportunity to review and work with Spack Consulting and the applicant. She stated that the Site Plan was received on October 23 and staff have extended the deadline for decision under §15.99 to February 20, 2019; she explained that staff has the ability to extend with cause unilaterally.

In response to Commissioner Fredson, Ms. Anderson explained how she came to a recommendation approval of the site plan. She stated that this isn't the Historic Designation application and process. The findings for the site plan certainly consider the adopted Comprehensive Plan, but are more technical in nature relating to the Zoning Code and other technical requirements. The Comprehensive Plan does include a chapter on Historic Preservation and one of the most relevant findings from that chapter in this particular case is to protect undesignated historic assets, but then equally there are sections of the Comprehensive Plan as well as the Como Park Community Plan that do call for development and supporting schools and supporting development within our neighborhoods. Furthermore, schools are a permitted use within the R4 zoning district. It is certainly something for the Commissioners to weigh in terms of whether or not the staff finding on that particular point is in agreement.

Upon questions from Commissioner Lindeke, Ms. Anderson said the Pedestrian Plan has been released for public comment and there will be a hearing in February and that plan has a companion document for considering how and where to make pedestrian changes. Even though the Pedestrian Plan is not yet adopted, she will talk to Public Works colleagues about

considering the good advice that is part of that plan and decision matrix when considering this project.

Josh Williams presented the staff report with a recommendation of approval with conditions for the variances. He explained a few drafting errors in the report and provided a handout. The changes are not substantive. He also noted the 60 day action for deadline is January 25, 2019. He stated that District 10 recommended approval of a 1 percent variance in lot coverage to 36 percent, a 3.1 – foot variance in height to 33.1 feet, and a parking variance of 37 spaces. Board members specifically rejected an amendment for a 29-space variance, as recommended by city staff.

In response to Commissioner Baker, Mr. Williams stated the requirement for parking spaces, based on employment, is 86 off street parking spaces. It is one space per employee. The project is proposing a 36 space parking deficiency. The site plan includes 26 existing surface off-street parking spaces, removal of 7 off-street parking spaces, one required bicycle parking space plus excess bicycle parking of 36 spaces, which allows for 10% parking reduction, and proposed shared parking for 15 off-street parking spaces with an adjacent church.

In response to Commissioner Fredson, Mr. Williams confirmed that the parking agreement is good through June 2019. Shared parking agreements are something that the City allows, and goes through an application process with the Department of Safety and Inspection (DSI). If approved, it is not technically a license, but it is monitored by DSI. The applicant would need to report yearly and demonstrate that the agreement is still in place. If it is not still in place they are in violation. DSI would allow time for the applicant to find an alternative parking solution, but eventually if it became clear there was no alternative, they would be deemed out of compliance and they would have the option to apply for a variance.

In response to Commissioner Rangel-Morales, Mr. Williams said it would be problematic if the shared parking agreement wasn't in place. If 15 parking spaces were subtracted they would only be providing 35 spaces out of 86 required. A variance of 60% would be unusual. It is a complicated matter in how to respond if the shared parking agreement does not last. In regards to the Planning Division's parking study, Mr. Williams stated that the most likely outcome is that there will be some further reduction in parking standards across the City.

In response to Commissioner Baker, Mr. Williams explained recommendation four that states the school shall not have more than 86.5 full-time equivalent employees. He said the condition was shared with the applicant and they described that what is driving their employment was the desire to get to nine grades, 3 classes per grade, and 24 students per class that is a total of 648 students. The applicant was concerned that if they add an employee that could be problematic because some students may need a full time employee all day. They agreed with the overall intent. They do not intend to grow more. They suggested that there be softer language to allow flexibility in staffing needs.

Ted Anderson, Director, Twin Cities German Immersion School (TCGIS), 2103 Doswell Street, Saint Paul, said he has been the director of TCGIS since 2016. It is as it name implies a Twin City school but with 54 students from within District 10 and 265 students from across the City of Saint Paul. Since 2006 they have been in Saint Paul at two different locations that were rental

properties. They bought the property at 1031 Como Avenue in 2013 and they plan to stay at this location. They are a great school and doing great things in a great part of the city. They are doing everything they can to make it stay that way. Their partnership with Saint Paul Central High School enables their kids to be part of one of the very few articulated K-12 biliteracy programs in the state. Last year just over half of their graduates chose to enroll there. It's just another reason why TCGIS is good for our City. In addition to this, whether it's our capstone exchange in eighth grade, our intern program where European students come to the school, or international staff that come and work for us, our school community becomes the American home of so many visitors to the US. This is important person to person diplomatic work and it's happening right here. It is intercultural engagement every day.

TCGIS needs this construction project to ensure quality in the delivery of our programs. The new construction will allow every student to have gym in a gym, class in a classroom, targeted assistance in small learning spaces, and a lunch room with windows. The staff and students are currently working admirably to get the learning done in inadequate inefficient spaces and five years of attempted adaptive reuse of their property has made it clear to them that they need better facilities. Approval of their variances and the site plan will enable them to leverage the careful budgeting and smart operations of past leadership into the facilities that the kids deserve. He is also a TCGIS parent and he sees this project as good for the staff, kids and City.

Nic Ludwig, 1116 Oxford Street N, Saint Paul stated he currently holds the Facility Chair position on the TCGIS Board. He stated he is not a developer or contractor, he is a volunteer. He is trying to help kids and teachers by seeking site plan approval and the associated variances. Mr. Ludwig submitted a presentation named TCGIS Zoning Committee Slides – 12202018. TCGIS has overwhelming community support for their project. Over 200 people attended the December 5, 2018 D-10 Land Use meeting and voted in support of the project variances. At the D-10 full Council meeting on December 18, 2018, they voted to approve all variances as applied for. He stated a quote from the staff report in regards to the lot coverage and building height variances: "The magnitude of those variances is small, and they are reasonable accommodations for an allowed use". He talked about their efforts to work with the church across the street. They have approached them numerous times about buying that property to use for expansion including a parking lot. If in the future the church didn't want to work with TCGIS on parking, TCGIS has another parking option at the Como Pool to the west of their property. They have talked with Brad Meyer at the City of Saint Paul about using space there. About 20% of their staff doesn't drive cars they come to the school by mass transit or bicycles. It is kind of a cultural difference with so many interns and teachers coming from other places. They are seeking approval for the parking variance without the condition of a no net loss of the seven parking spaces. They are expecting to add only six staff members over the next three years. They are going to try and take advantage of the construction to improve green space and storm water management. Requested variance is consistent with St. Paul's forward-thinking 2030 & 2040 Comp Plans supporting shared parking agreements, reduced parking minimums, reducing stand-alone parking uses, and making more efficient use of existing parking and development of shared parking. The community supports the 37 spot variance, and the District 10 board specifically rejected an amendment for a 29 space variance. Discussion on the amendment suggests that board members prefer a larger parking variance over requiring additional pavement. Children benefit from green space. The traffic study supports the full parking variance. Mr. Ludwig showed pictures demonstrating the amount of street parking

during the day outside of drop-off/pick-up. He said they will continue to listen to neighbors to have positive impacts as it relates to parking and traffic. The school has added 5 busses since moving to this location. They encourage carpooling and they have many bicyclists. TCGIS has two bus lines located nearby and they encourage the staff to take mass transit. The traffic impact study mentioned several recommendations to have positive impacts to safety around the school and neighborhood and they are committed to working with the City on those recommendations. He said if they keep the parking lot they will not have added green space. The traffic study showed there were 280 on-street parking spaces around the school, but only 25% are in use during the school hours. TCGIS isn't the first school to ask for a parking variance. Saint Anthony Park (SAP) Elementary completed a building project that has 4 off-street parking spaces for their 50 staff. This example is important because SAP was asked to account for the additional staff the project was adding versus accounting for all of their staff. Many other schools in Saint Paul have limited parking. He discussed responses to staff's proposed conditions on the variances particularly agreement to collaborate with the City on the Traffic Impact Study and disagreement with the cap on employee FTEs and retention of 7 off-street parking spaces (attached). There are many reasons they need an updated facility. They need a gym and a place to store equipment. They need a lunch room with windows. They want to add small group spaces for Real Time Intervention. They want to create purpose built learning spaces. They want to expand green space and have room for public art. Their project will align the TCGIS facility with other charter schools when comparing average square footage per student. They are enlarging their cafeteria and adding an additional elevator to improve accessibility within the building. They will be adding new classrooms, additional breakout and office space and bathroom. The roof top units will have minimal or no view from the public right of way. Members of the St. Paul Zoning Committee, I ask you for your support of the TCGIS variances and site plan.

In response to Commissioners, Mr. Anderson stated they have 582 students and less than 10% live within a half of mile from the school. They are currently running five busses and about 150-200 kids come by bus. He said about 10 or 20 kids will arrive by bike or public transit. Mr. Anderson said at this point the growth phase of the school is that they have three sections K-6, two sections in grades 7 and 8, and the three sections are bumping up a level every year. In 2020-2021 they would expect to be three classes K-8. At this point it is pretty even, but grades 7 and 8 are a little smaller at 43 and 51 kids. The growth they are expecting is because of aging out of the larger number of sections. Eight years ago they decided to bring in a third section of Kindergarten to meet the demand. It's clear to them that they have the demand for three sections of K-8. Mr. Anderson stated that the former church sanctuary was renovated to be the gym and cafeteria. Items belonging to the church were taken out before they bought the site. On the footprint of where the church exists they would be able to add a gym, a cafeteria, six classrooms, and some additional spaces on the third floor.

Commissioner Reveal stated she appreciates the added green space, but she is very concerned about the parking issue and the reduction. She wants to discuss issues with the Commissioners regarding the probability of further expansion is limited and whether or not it is adequate to have the on-street parking that you have available to you and see what is happening with that. She asked about the building across the street and the potential of them purchasing it for expansion.

In response to Commissioner Reveal, Mr. Ludwig stated that they had approached the property owners across the street prior to developing this project as an alternative to our current plan, but that property owner did not want to sell. They are currently renting parking from them.

Kelly Laudon, 4292 Norma Avenue, Arden Hills, stated she has served on the board for TCGIS since February 2014. She wanted to speak on the question of expansion. She stated that with a German immersion program you can't start out as a full K-8 school. That is the reason they needed to move a couple of times. They started in a much small place with a K-1 program and each year as those grades elevated up they would add more classes and teachers. When they were looking for a new site they budgeted for a certain amount of students. The school had just opened in 2005 so they didn't have a lot of data to rely on as far as knowing how long families would stay. Their historical data showed that they could reasonably anticipate that families would leave for the middle school, but because of the immersion component we couldn't add new kids back in. A reasonable estimate at the time was to build out a space for three sections of K-4 and two sections for 5 - 8 grades. The board has given a lot of thought to how big they ultimately want to be is three sections. They have no intentions of growing beyond three sections of K-8. They need enough space to accommodate the three sections of K-8. They do not have adequate space for kids who have special needs right now either.

Upon inquiry from the Commissioners, Ms. Laudon stated they have maintained a strict policy of 24 to 25 kids per class. They have always budgeted for 24 to 25 kids per class. Ms. Laudon confirmed that they are not planning any expansion from the three sections of K-8. The adequate staffing for this amount of kids is 86.5 based on normal conditions. One of their concerns about building an employment number verses a student headcount is that certain kids require one on one instruction. It will depend on the student population and what their needs are as far as how many employees will be needed.

In response to Commissioner Reveal's concerns about traffic and pedestrian safety, Ms. Laudon said that is something the board has been focused on for the last year. They have been implementing their crosswalk program and in talks with the City about implementing crosswalks. Some of the things the traffic study has suggested in the last two months are ideas that they have been working on and putting some different measures in place over the last year to address those concerns.

In response to Commissioner Rangel Morales, Ms. Laudon indicated the property providing the shared parking agreement is not interested in selling the property, but expects to continue the shared parking arrangement long-term. Mr. Anderson stated 10% of students live in District 10 and a little under half of their students live in Saint Paul. The five busses they have pick up students from the perimeter of Saint Paul with a couple of bus stops in Minneapolis. They are maximizing their bus service at this point.

In response to Commissioner Lindeke regarding employee travel and a travel management plan, Mr. Anderson stated they could investigate the possibility of creating a plan and policies to further incentivize employees. As it stands now they have a fair number of employees who bike, take mass transit, or walk to work.

Commissioner Ochs inquired about TCGIS' response to staff's proposed condition stating that the applicant shall submit a traffic impact study for final review and approval by Public Works, and the implementation of any recommendations therein contained is required. Rather the applicant stated they will collaborate in good faith with Public Works to evaluate potential implementation of recommendations.

Mr. Ludwig stated they are unsure what the staff thinks about the recommendations in the study because they haven't had a chance to speak with them. The recommendations range from large infrastructure change, to an intersection that isn't adjacent to the school, down to just striping a crosswalk or implementing a crossing guard plan. He doesn't know what implementing all recommended changes means because they haven't had that conversation yet. They want to collaborate with staff to figure out where they can have common understanding of what that means. He doesn't think there is anything in there that is out of place other than the triangle that they refer to because it is not highly trafficked by students.

Commissioner Reveal stated that the recommendation in the traffic study, if Public Works adopted them as is, you would get the opportunity to collaborate with Public Works. The City Engineer will work with the applicant to see if the recommendations of any consultant are essential or not essential to the site. It will be the recommendations made by Public Works that are governing. Mr. Ludwig said they will comply with the recommendations of the report as made by Public Works.

In response to Commissioner Fredson, Mr. Anderson explained his perspective on the historic nature of the building. He stated he isn't an expert in historic buildings. His goal essentially is to do his job which is to educate kids. Whether that is from an altruistic standpoint helping kids and doing his best to create situations in which teachers can do their best work or whether it is careful budgeting to see that money they receive from the state of Minnesota is spent on educational purposes. That is his primary goal. The historic nature of the building is not something that is part of his job description. Anything beyond that is his personal opinion. He feels that their site plan is thoughtful and the only alternative to get their program delivered in a way that they need to.

In response to Commissioner Fredson asking about the design process and possibly maintaining the façade of the building, Mr. Ludwig stated they spent two years on the project and tried to find ways to reuse that space. When they identified that it wasn't the best use of their limited dollars. They looked at other ways to use pieces from the building and the façade cost about \$600,000 more and had a giant impact on how they could create space that was functional and well laid out for the school. They looked at ways to incorporate different elements of the building through bricks or tile work or roofing tiles, but they didn't fit within the design. They asked parents and neighbors what they wanted to see for design and the majority of response to a survey said they wanted it to look like the 2014 addition to the school. They had 200 respondents to that survey.

In response to Commissioner Fredson regarding a commitment to be at this location long term, Ms. Laudon stated they are very committed to this site. They really appreciate this neighborhood that they are in and many families have moved into this neighborhood to attend this school. They gave moving a lot of deliberation and they do not want to move from this site.

They have a higher demand for TCGIS services than they do a supply of teachers to provide that. They have been working on recruitment and retention of really good quality teachers. They want to stabilize this program in terms of the quality of the teaching. The supply of those teachers is not limitless so three sections makes a lot of sense for their need. She stated that they recognize that there is tension between the desire to preserve historic structures and also to deliver progressive quality education and to make the neighborhoods of Saint Paul vibrant. Taking this structure down was their last resort. It was after looking at a lot of different options and considering what their budget would allow that they came to this proposed site plan. The board gave a lot of thought to the impact of the neighborhood, and came to the conclusion that a vibrant school is an asset to the neighborhood. Both because families and teachers want to move there and it was a vacant property for two years before they purchased it. A lot of life has been brought back to the neighborhood by having the school there. This site plan delivers a better facility for our children. She wants to advocate for the green space and note that they are gaining parking spaces with the shared parking agreement. The playground is open to all community members when school is not in session. This facility will be an asset to the neighborhood.

Christopher McKay, Director of Student Support of TCGIS, 3126 Ulysses Street, Minneapolis, spoke in support. He is the chief administrator that oversees the ways that TCGIS supports struggling learners. He firmly believes in the philosophical statement that schools must be responsive to the needs of the students and their community. Out of the 583 students enrolled at TCGIS 74 are students that have special education needs. About 130 are otherwise struggling learners that get help through the response intervention program. The students with specialized needs include students with dyslexia, anxiety or depression, ADHD, speech and occupational therapy needs, or school psychology needs. All of these areas require space in order to deliver the interventions and targeted services in the best pedagogical models available. Currently they have four special education teachers, a speech language pathologist, half time school psychologist, occupational therapist that deliver targeted instructions in the different spaces available. Given the growth they have had they do not have enough spaces to continue with sustainable development. As you consider the variances and site plan, prioritize not only the needs for all learners, but particularly for the learners that need some additional instruction.

Rebecca Wooden, 1121 Argyle Street, Saint Paul, spoke in support. As a close neighbor she agrees that there is a lot of traffic on the street during pick up and drop off times, but the school has worked a lot on improving the efficiency of this process. The last three days they have counted cars on their street and there has only been up to about nine every day and most are neighbor's cars. There is a lot of parking on their street and she doesn't see a need to create new parking or exchange parking for green space. The school doesn't interfere with parking on the evenings or weekends. She has worked for the DNR for 35 years and she has heard of no net-loss of wetlands, forest lands, agricultural lands, but she has never heard of no net loss of off-street parking space. She finds it incongruous to insist on off-street parking when there is plenty of parking available in the neighborhood. She likes the greenspace in the neighborhood and they use the schools facilities on weekends. They are well served by transit in the neighborhood. The school could encourage more bus use through the use of transit passes. There are opportunities for the city to revisit the parking variance should the use of the facility change.

Kirsten Partenheimer, 392 Fulton Street, Saint Paul spoke in support. She is a mom of four kids at the school. She does not live in the neighborhood, but she does have experience with living in a neighborhood with a school. She lives three houses down from the Monroe School, in the Saint Paul School District, and it is a lot larger with no green space and very little teacher parking, but it has never been a problem. Having a school nearby brings a vibrancy to the neighborhood. In comparison, the drop off and pick up of TCGIS is much smoother than other schools she has witnessed. TCGIS is a wonderful school and she is thankful and proud that her children attend.

Aubrey Laudon, 4292 Norma Avenue, Arden Hills, spoke in support. She is a seventh grader at TCGIS, and she asks the Committee to please support these variances because they need more space. She showed a picture of the current blacktop that is available for playing and the parking lot in the background. The variance would allow them to renovate the area into green space. It would be really nice for students to be able to play there. She said some of her classmates have disabilities and they need privacy to do what they need to do. If they had a bigger building they would get the privacy they need.

Malik Alkatout, 2335 Mckinley Street, Minneapolis, spoke in support. He said he is a seventh grader at TCGIS and he has a couple of problems with the blacktop. All of the kids use it for multiple sports, and everyday someone gets hurt by someone playing an opposite sport. It isn't fun because there isn't enough space. His friends used to love to play soccer, but now they play football because there isn't enough space. If they had turf it wouldn't get as muddy. Turf is better than what they currently have and it is better for running around.

Ethan Laudon, 4292 Norma Avenue, Arden Hills, spoke in support. He said he is in the fourth grade at TCGIS and he plays soccer every day at school and he would like more space for everyone to play sports.

Cynthia Miller, 2574 Fernwood Street, Roseville, spoke in support. She said her children are in their eighth year at TCGIS. Many know it is difficult for a charter school to find appropriate sites. They make do in warehouses, office buildings and former churches, but in spite of this they have worked and grown to almost 600 students. In a way they are victims of their own success. The data they had for almost a decade showed that when students reached middle school they left for other opportunities, but recently that hasn't been happening. She is proud that the staff is unionized, but they are also some of the lowest paid staff in the State. Nevertheless, the things they are able to do with the children are amazing. They offer sports, arts, and a Girl Scout troop, and every year they open their homes to dozens of teachers and students from Europe. Many families live within three to five miles of the school. She said in the last seven years she has spent a lot more money in Saint Paul due to her kids going to this school. Even though they are not all from Saint Paul, make no mistake, TCGIS is a Saint Paul school. They have been able to transcend the borders and have a strong school community and that is whether the student lives across the street from the school or carpools in from a suburb. They are a shining gem in Saint Paul and the best public German Immersion School in the country. They need a little more space and difficult decisions will have to be made. Their school is one-of-a-kind. Please support the variances so our children can have what they need.

David Wallinga, 305 Brimhall Street, Saint Paul, spoke in support. He said he is a physician by trade and a parent of a seventh grader at the school who rides the bus from Mac-Groveland neighborhood. He said his daughter has problems with anxiety and ADHD. He was actually going to speak against the variance, but he changed his mind because of the preparation and presentation of the school. The school has laid out a really good case, and as a physician, what impressed him was the greenspace argument. Access to green space decreased anxiety, depression, and helps with learning issues.

Michael Peterson, 3957 24th Avenue S, Minneapolis spoke in support. He said he is one of the sport teachers at the school and he feels compelled to comment and offer his perspective because he sees daily that the school needs these changes. TCGIS is an amazing community that he has been a part of for three years. He sees the unique challenges that TCGIS has faced as the result of the Aula (former church) building. The building is not what they need it to be. They need the building to be safe and the interior of his gym room is full of jagged edges, stone pillars, and nooks and crannies. The irregular shape of the space leads to collisions and accidents. The former altar is a dangerous space for children running and tripping on the steps. There is also inadequate equipment storage space. They cannot add climbing ropes, pull up bars or ladders. The temperature control has been an issue. The building is not efficient and there is only space for one class at a time. He has to teach a class in the cafeteria located in the basement and that is also an unsafe space. The building as it currently exists can never be what they need it to be, and although it is an unfortunate reality, it does not change that it is true. They need a building that is safe, usable, efficient, and designed for 21st century learning. Anything less would be irresponsible.

Mike Gerlach, 1822 Fairmount Avenue, Saint Paul, spoke in support. He said he has two children who attend TCGIS. A lot of the variances that they are asking for are in line with Saint Paul Public Schools Master Plan. If you leverage that as a benchmark you are looking to have adequate general learning spaces, dedicated specialty services, space for enriching activities, and safe and accessible outdoor play to meet the student body population. He wants the board to consider the study that the City commissioned in June 2017 by SRF Consulting Group to help create guidelines around residential parking permit zones. In that study they helped to define circumstances that create undue hardships on residents and neighborhoods that would justify the need to establish residential parking zones. Based on the size of the school and number of staff, the area as defined by the recommendations in that study, do not meet an area that would hit the required on-street parking zone recommendations. Historically Saint Paul has prioritized green space over off-street parking.

Garrett Krueger, 1989 Laurie Rd. E, Maplewood, spoke in support. He said his child has attended TCGIS for the last two years. He has spoken German since birth and this is exactly the kind of opportunity his son needs. He said parking has never been an issue for him for drop off or pick up and it takes no more than five minutes. There is a cultural difference and Germans tend to take mass transportation so when they bring people over to work in the school it would not be uncommon for them to want to use mass transportation as opposed to buying a car.

Scot Stephenson, 977 Tuscarora Avenue, Saint Paul, spoke in support. He said he has been a teacher with the school since 2005 and he is the Union President. He said that many families carpool. He hopes the Zoning Committee would approve the variance for their school as they

have for many public schools, specifically Saint Paul Adams Spanish Immersion., which is just completing a major expansion and received variances. He said that a lot of their teachers take different modes of transportation. New teachers that do come in from Europe are choosing places to live based on available transportation. He said with the limitation of employee numbers they could easily run into problems with federal and state law. If they have open spaces they cannot deny students and if they have special needs they will need to provide staff.

Melissa Morrissey, 2202 Robbins Street, Saint Paul, spoke in support. She has been a parent at TCGIS since 2008 and a math teacher since 2011. She requests that there not be a staff number limit. It doesn't take into account the unique nature of a school where FTE's can be partitioned in very small places. If a student needs an EA the school has no choice but to hire someone, but if they are limited at 86 they will need to make some really difficult choices that will impact the students negatively. Currently no staff parks in the seven parking spaces that they would like to turn into green space. They are utilized for parents for various pickups or drop-offs. They love biking and promote it in their school as part of the curriculum. TCGIS hopes to be part of the grant that Saint Paul offers to gets bikes.

John Steingraeber, 1307 Grotto St N, Saint Paul, spoke in support. He is a parent and member of the Facilities Committee since 2017. Throughout this process the integrity, candor and professionalism that have been demonstrated by the District 10 Council, Planning and Economic Development, Department of Safety and Inspection, and other City staff has been admirable and awesome. It has been evenhanded and open so it has been puzzling to him to see some recent claims that the process is somehow skewed or that the Zoning Committee is pushing one sided information to the Planning Commission or that our school has supplied misleading requests in support of variances. After spending dozens of hours on this project he can assure that nothing is further from the truth. He would like to ask for support of these variances and he is proud to be a part of an open and clear process.

Jason Verber, 996 Orange Avenue E, Saint Paul, spoke in support. He moved to Saint Paul and the neighborhood so that his daughter could attend this school. The school is a magnet that draws people to the neighborhood. He looked at German Immersion Schools around the country and he decided this was the one to come to, and he is very happy she got off the waiting list and is now attending. He has worked part time at the school and he knows from experience that he has had an easy time finding parking at the school, but there are very cramped spaces inside the building. He has a PhD from the University of Iowa as a historian and one of his specialties is historical memory and the ways we remember the past. He thinks it is very telling that the community is supporting the variances and the school going forward. The community is deciding what its heritage is as well as its future.

Evelyn Stellwell, 1099 Chatsworth Street N, Saint Paul, spoke in support. She said she teaches Science, and you would think she would be speaking in support as a teacher, but she is also a neighborhood member. She moved to the neighborhood because the French Immersion school was located there. Once that school left the neighborhood she felt the neighborhood became depressed. Once the German Immersion School came in she felt it added vibrancy to the neighborhood. She is advocating keeping the school for the neighborhood.

Sam Walling, 83 Cambridge Street, Saint Paul, spoke in support. He stated he is the Board Chair of the TCGIS. He addressed the concern of them growing and leaving the neighborhood. He said there is a substantial financial impediment to leaving this location. They have a current series of bonds issued to pay for the current site and construction in 2013 and they cannot prepay those bonds until 2023. If they were to try to sell the building they would not be able to take the proceeds and immediately turn them around and use them to pay the bonds they are currently paying. This is one of a litany of reasons they are committed to this site.

Adam Lindberg, 1123 Chatsworth Street N, Saint Paul, spoke in support. He is a neighbor and a parent of a student at the school. He said this school has done so much for the neighborhood. It has brought families from all over to live and this is the best school. The playground is open to the public. Getting rid of the parking spaces, that are unused during the day, and replacing them with a park would be great for the community. They will also be reducing the height of the school compared to the existing building. He does not want to see more parking lots in the neighborhood.

Annegret Theis, 1128 Churchill Street, Saint Paul, spoke in support. She said they purchased and a vacant home in the neighborhood and renovated it four years ago. She thinks the school adds a lot to the community. She has never had a problem finding a parking spot in front of her house, three houses away from the school. She has three children at the school and she thinks having more green space is a wonderful thing for the kids to play and for the neighborhood.

Julie Alkatout, 2335 McKinley Street NE, Minneapolis, spoke in support. She is a parent with three kids at the school, as well as, the Vice Chair and Administrative Liaison Chair. She has seen the Administration work hard to improve the traffic and pedestrian safety around the school. They have a solid plan that has been communicated well to the community and they enforce it. It was stated in the traffic study that TCGIS has been stronger in communicating with parents on pickup/drop-off operations than what has been observed at other locations. Pickup/drop-off policies are easy to find on the schools website and are thorough. The use of signage is well placed and appears to keep the pickup lines moving at a good pace. The traffic study also measured how long it takes for drop-off and pickup and in the morning it is 25 minutes and the afternoon is 15 minutes. The report stated this is faster than has been observed at other locations. From a time frame perspective TCGIS operates well. They will always work hard to improve things. The administration encourages carpooling and they have added five busses.

Mary Orsted, 748 Hamline Avenue N, Saint Paul, spoke in support. She carools her kids to school every morning and has no problem finding parking. Her family lives about 1.5 miles from school, so as they get older they would most likely be able to bike to school, but her concern would be her kid's crossing over Front Street and Lexington. She is in favor of all the variances.

Jenneke Oosterhoff, 928 Como Avenue, Saint Paul, spoke in support. She said she is a board and community member, living close to the school. She is a teacher of German and Dutch at the University of Minnesota. She was elected to handout election ballots last year during the drop-off/pickup time at the school. She was amazed how swiftly the drop-off/pickup procedure actually moves. She is an advocate of foreign language teaching. Immersion schools are

helping to improve the number of foreign language students statewide and nationwide at all levels including U of MN.

Scott Wendell, 1350 Como Blvd. E, Saint Paul, spoke in support. He is a neighbor, not affiliated with the school and does not have kids attending the school. He thought it was important to say that the community came together and overwhelmingly supported the variances. The community wants this school in the neighborhood and wants to see the school succeed. It is important to note that this is a school, and not a church. This land is to be used in its highest and best purpose and these variances support that.

Teri Alberico, 1023 Como Avenue, Saint Paul, spoke in opposition. She said we are here today because the school proposes to expand. They have been expanding beyond their forecasts regularly. The attrition that they have mentioned was not allowed and filled with students who were older and brought up to language requirement. She spoke against the proposed size of the school. Ms. Alberico submitted and read from a letter and showed pictures of on-street parking. See attached.

Bonnie Youngquist, 1170 Churchill Street, Saint Paul, spoke in opposition. She would like to address finding two of the variance. She said that 1031 Como is zoned R4 and the area is classified as an established neighborhood of medium intensity. There is a basis in the Comprehensive Plan to not approve the parking variance and other given that 1031 Como is R4 and the area is classified as an established neighborhood, not the unique targeted neighborhood for growth. According to Land Use Section 1.5, the City should maintain the character of established neighborhoods. The plan goes on to say that substantial growth is not expected in all neighborhoods, but that established neighborhoods are areas of stability where the existing character will be essentially maintained. The staff report states that the parking variance will allow for increased enrollment and employment, and increasing traffic to and from the site. Not many residents want to have increased traffic, and it is not in alignment with the Comprehensive Plan. TCGIS has outgrown their reasonable density of a school in a R4 zoned residential area. Their failure to accurately forecast their long term needs is not the fault of those who live with daily excessive traffic. There are reasons why building codes exist to prevent situations like this. The parking variance requested is high by all standards, and with no means of enforcement once the variance is granted. Expansion will further exacerbate traffic congestion. The neighborhood should not continue to carry the burden including the loss of a treasured historic resource that was voted 8-1 as a recommended designation site. The State Historic Preservation Office has also stated that this should be designated. The impact of expansion should be considered against the Comprehensive Plan.

Kevin Anderson, 1035 Van Slyke Avenue, Saint Paul, spoke in opposition. He stated he appreciates the school and there has been a school here since 1920. He respects the dedication of the teachers, the families and the administrators. However, he also values the unique residential and historic character of his neighborhood. He opposes these expansion plans and he believes there are significant objective reasons to deny these variances. He addressed Finding Three in the application to the variances. Finding Three states that the applicant has established that there are practical difficulties in complying with the provision. Practical difficulties are a legal standard and a three factor test; the first test determines if the property owner can use the property in a reasonable manner without the variance. Use of the property of

the school is unquestionably a reasonable use, however, he disagrees that this use is reasonable after expansion to a capacity of 648 students and associated staff. This is not reasonable on a 1.8 acre site directly adjacent to thirteen residents. The second test determines if the land owner's problem is due to physical characteristics unique to this property not caused by the land owner. Uniqueness relates to the physical properties of the land and not to personal preferences of the land owner. The needs for variances are entirely due to the desire of the owner to expand staff, student population and the facility while maintaining the lot size. Final test determines if this variance, if granted, would alter the essential character of the neighborhood. The former church of Saint Andrew's has been defined as a landmark of the neighborhood since 1927. The parking variance requires employees to seek out on street parking throughout the neighborhood. A variance is a property right that runs with the land. It is attached to and benefits the land. The variance will irreparably change the character of the neighborhood.

Bob Spaulding, 1153 Churchill Street, spoke in opposition. He stated the school and church was not vacant between 2011 and 2013. There are internet photos and community recollections and others can speak to that. That is a false statement that was made by the applicant. He also wanted to clarify that the District Council did support it by an 8-7 vote, so it is hardly overwhelming. This is a community divided by a process that he fears is the least transparent, collaborative, and most adversarial process, that he has seen play out inside a local government. He noted this is a proposal to expand from five years ago to 32 staff to 86.5 staff, and that is a mammoth expansion. He summarized an analysis titled Students per Acre at All Saint Paul Elementary & Middle Schools in R1 to R4 Zoning, if TCGIS Proposal Approved (submitted in public testimony). It shows TCGIS as an extraordinary outlier in density. TCGIS' proposed school use would have four times the number of students per acre of the median school in R1 to R4 zoning districts. This is a quantifiable issue. He also noted the section in his submitted letter stating there is no rational basis to make the required finding. He believes there clearly is no rational basis, particularly under the condition about the plight of the landowner being due to circumstances unique to the property not created by the landowner. He would ask that when you see something like this and when you hear the testimony like this I think you need to confront the question: what variance wouldn't you approve in this circumstance and why wouldn't this sort of circumstance point to being a variance you wouldn't approve.

Marietta McCullough, 1251 Victoria Street, Saint Paul, spoke in opposition. She provided some history of the school to put the parking situation into perspective. The school was built in 1957 that held twelve classrooms, and three years later two more were added. Gym classes were held in the church basement. Saint Andrew's grade school reached its highest in 1963 with 592 students enrolled in grades 1-8. The facility was composed of 11 nuns and 4 teachers. The average number of students in each classroom was 37. The nuns lived in a convent across the playground and none of them owned vehicles. Unlike today staff parking was not an issue for the school. Today the school houses fewer students yet they have over 100 staff members, including part time and full time, as counted on their website. The number is projected to grow to over 106 staff members with proposed expansion.

Dolores Rufenacht, 1512 Canfield Avenue, Saint Paul, spoke in opposition. She read from and submitted a letter at the meeting. See attached.

Stephen Greenwood, 1111 Argyle Street, Saint Paul, spoke in opposition. He read from and submitted a letter at the meeting. See attached.

Anna Mosser, 1049 Van Slyke Avenue, Saint Paul, spoke in opposition. She said she is speaking about Finding Six of the variances and generally how approval of the site plan and variances would alter the essential character of the neighborhood. She would also note that this dovetails with Finding Two because the Comprehensive Plan stresses maintaining the essential character of neighborhoods. Essential character of the neighborhood is assemblage of the elements that make up the distinguishing features of the buildings and environment. The Warrendale neighborhood is an established and historic neighborhood. It is relatively quiet and until recently they had available street parking. It is low density and most of the homes are below 35% lot coverage. She would argue that approval of the site plan and variances would significantly alter the character of the neighborhood. The school has suggested that the new building is consistent with the history of the neighborhood and previous building, but if you look at the site renderings, there is a distinct difference. Removing this building would be a huge loss to the neighborhood.

Erin Dooley, 1035 Van Slyke Avenue, Saint Paul, spoke in opposition. She stated that an optimist proclaims that we live in the best of times and a pessimist fears that this is true. As a Restorative Practice Justice Coordinator in Saint Paul Public Schools this process has been a jarring juxtaposition from my life at school where I spend my days building consensus among people to life at home where that is not the case. She would have preferred that this entire process be more collaborative. As an internal optimist I still hold out hope that the school will reach out to the community to build consensus and find a solution that works for everyone, but the pessimist in me fears that the reduced parking, currently on my street, is temporary and that they will soon return to the former standard. That parking leads to not only inconvenience for the residents, but traffic jams during drop-off and pick up, MTC bus issues and pedestrian safety. TCGIS is likely to stay on the site, but variances are forever.

Cory Plath, 1065 Chatsworth Street, Saint Paul, spoke in opposition. He stated that he and his ex-wife said that would be in their forever home with one cat and one dog, but none of that worked out. His point is that TCGIS has now moved three times because of continued growth and how can they know this will be their forever home. Staff has said they can go with 86 people for staff, but some people have testified it will be more. There has been a lack of candor in the whole process. The Land Use Task Force at District 10 had 200 people attend and it was indicated that 200 people support this expansion, but the vote was 101-76 on all three variances. The vote was in favor, but 76 people opposed. At the recent D-10 Council meeting a council member said, "There have been a lot of problems for the last two years with this school". This is not overwhelmingly supported. Everything TCGIS has said they wanted, desired and need exists eight blocks away in an empty school.

Muriel Gubasta, 5662 Brandlwood Court, White Bear Lake, spoke in opposition. She said she was not going to speak, but a previous speaker, Marietta McCullough asked her to continue with her presentation. Her family has been in the Como Park neighborhood since 1900 and they were some of the first Hungarian immigrants who were parishioners of the Saint Andrews Church. They have been told that a few of the 100 TCGIS staffers live in the neighborhood and occasionally walk to work however, the majority drive and need place to park their vehicles. The

proposed new gymnasium will likely hold sporting events along with evening conferences, holiday shows or other large scale events that need to be factored into the parking needs. Any large school event will cause cars to spill out into the neighborhood creating a safety hazard.

Linda Koskela, 1125 Argyle Street, Saint Paul, spoke in opposition. The reason she bought her house was because of the church building, the park and the character of the neighborhood, and she thought it would be a good investment. The criteria of enrollment for the school include if their parent is employed at the school, if a sibling goes to the school, and lastly there is a lottery that opens it up to the public. It is more like a private school education being paid for by tax payer dollars. There are federal cases against charter schools saying that they are segregationist and not providing equal education in par with public schools. Funds are being drained from public schools and being shuffled to charter schools. Charter schools are at risk of being done away with because they may be found to be unequal. The other risk is that the Presbyterian Church across the street is shrinking in membership and it is highly likely it will not be there that long. The parking contract they have is unlikely to stay very long. She said the traffic burden is well known in the neighborhood.

Roy Neal, 1231 Minnehaha Avenue, Saint Paul, spoke in opposition. He is not speaking to oppose the idea of the school he is opposing the variance and site plan and harm to the neighborhood character. He referred to testimony submitted.

James Sazevich, 454 Smith Avenue, Saint Paul, spoke in opposition. He has been involved in historic preservation in Saint Paul for over 50 years. He said there are so many contradictions here. A school that openly admits that less than half of their student population lives in Saint Paul arrives in the City, moves a couple of times, and then ends up on a postage stamp size piece of property. They will be back more and more to eat up more of the historic Warrendale neighborhood that has been in place since the 1880s. This absolutely doesn't make sense.

Tom Goldstein, 1399 Sherburne Avenue, Saint Paul, spoke in opposition. He said it is a successful school that went from 330 students in 2013 to 580 today. Increased staff from 32 to 86. Obviously this is going to have an impact on the neighborhood. How can we celebrate a schools success, but make sure it does not come at the expense of the neighborhood? He would argue that the way you do that is that you repurpose an elegant existing building. This is something the school has been unwilling to consider. If they were interested in collaborating with the neighborhood they would have solicited their input rather than coming to the neighborhood when the decision was already made to demolish and then give the impression that they were seriously looking at other options when they were not. Including a period a few months ago when they were contemplating selected demolition as a way to damage the historic structure. The plight of the landowners was created by the school and that violates the conditions given by the variance. They have been told that because the building mass will be similar to the existing building it will not alter the character of the existing area. He said it would be like tearing down the Cathedral or City Hall and replacing it with a similar size building that would add employment, housing, etc. No one would think about doing that because it would permanently alter the character of neighborhoods and communities that have been built up like this one. There are solutions and TCGIS needs to look at them.

Michael Kuchta, Executive Director, District 10, 1224 Lexington Parkway, stated he is present to ask the Committee to delay action on the site plan. Based on some of the questions that the Committee has asked this evening it seems that they have some of the same concerns that District 10 does and realize that the plan as it currently exists is incomplete. There are too many key elements that remain up in the air including parking, traffic, pedestrian safety and sound and sight buffers for the schools play areas. Section 61.402 of the City Code requires a site plan to address these areas and this site plan as it currently exists is far from fulfilling those requirements. These issues go hand in hand with the schools success. These are issues that have serious impacts on the immediate neighborhood. These are issues that exist today and issues that continue to exist regardless of what form the schools expansion takes. He would hope to delay action on the site plan it will give city staff, the school and neighborhood time to fully review and reach an agreement on these issues. It will give them time to find solutions that increase the likelihood that the schools success will have more of a positive impact on the neighborhood rather than negative impacts. Delaying action is also more likely to produce the best process and the best outcomes because it means the Planning Commission will retain the ability and authority provide a full public review of these unresolved issues.

Kelly Laudon responded to testimony. First, she stated that they did invite the community to engage in the process of the site plan. She referred to an announcement that went out on October 27, 2017, that is available on the District 10 website. It was announced that the school was looking to do extensive renovation or replacement of the old church building and that it was expecting to do that in Fall of 2018. She said that linked to this announcement through D-10 was a message from Mr. Anderson, our Executive Director, detailing the reasons for the need to change the building structure to better meet the needs of the kids. She read from the letter that stated "we are looking for a few more committed community members perhaps with practical experience in such projects to join us as we move forward. If you are interested in getting involved please contact Mr. Ludwig, the Committee Chair." The school has tried very hard to get engaged with the community. Unfortunately certain community members were not receiving D-10 website information or newspaper announcements. Secondly, in the packets we provided different options they considered, and spent two years considering what they could do with the site plan. Finally, with respect to the parking variance they requested, and particularly the condition that the City staff has recommended, she wants to draw to your attention to what D-10 Council said, "the District 10 board specifically rejected an amendment for a 29 space variance" the reason for that difference was they were specifically considering this recommendation that the staff had made to not remove the onsite small east side parking lot that they have. As members of the community have stated it is not used by staff. The traffic study showed that they have over 200 available parking spaces on the street for parents to use. When you consider what the expense would be of keeping this asphalt lot as compared to what the benefits would be both for the children at our school and the neighborhood she just asks that you consider that green space as being high priority. She had no idea that the Saint Andrew's school at one point had 582 students because that's not a big difference from the number that they currently have. That emphasizes the fact that there has always been a school in this neighborhood. They are not asking to change the essential character of the neighborhood. Their school is consistent with the character of the neighborhood as it has always been.

Upon inquiry from the Commissioner Rangel-Morales, Ms. Laudon stated they moved from the first school because of growth. They were very budget tight at that point and only rented space

to accommodate a few grade levels. They moved to find more space as each grade level went up and once they became a K-8 school they needed more classrooms. They always rented until it became clear they knew how big they wanted to be. The charter school does not have the ability to turn down students as long as the student is qualified if they have an opening they have to let them in. TCGIS policy is 24 students per section and currently three sections of K-6 and two sections of 7-8. They do have guidelines in place for incoming students. Under their policy there are certain circumstances where the Director has discretion to add one or two more students to a section. They do not have to have the three sections by law, but if they cut back they may not be able to maintain the building that they have now. State education funding is on a per pupil basis. Ms. Laudon stated they did fill positions on the Facility Committee with local community members and that all community members were welcome.

The public hearing was closed.

Commissioner Ochs stated he is impressed with the school and their ability to grow and perform. He noted that a lot of the people who spoke in support don't live in the immediate neighborhood. He said that typical public schools are located on a lot that is at least a half block, and its size provides for a flexible enrollment, large open spaces, and sufficient space for busses and parking and openness and integration with the community. TCGIS has a strong enrollment, but only 54 students are actually within the school district. The street footage that this site has is only 445 lineal feet. This is a postage site lot with a very successful school on it. Therefore, he doesn't see it as being a benefit for the neighborhood. It doesn't provide education to students who are immediately around the neighborhood. You have to apply and speak German to become accepted. It's asking a lot for an organization that self-segregates to ask the community to accept it and to ask the Commissioners to make certain extenuating circumstances for them that won't necessarily benefit the surrounding community.

Commissioner Rangel Morales stated he had the same impression about who was testifying in support of the application and how many were actually living in the neighborhood. It seems that the people who came to oppose it are the individuals that live in the neighborhood. Most people who spoke in support were people who were affiliated with the school in some way. He isn't sure if all the avenues for addressing a lot of the community regarding parking and bussing have been explored by the school. He wasn't sure the school had done enough to promote transit or some alternative mode of transportation for employees and students who are dropped-off/picked-up. He noted the letter submitted by Bob Spaulding, a former Commissioner, and said he made compelling arguments about whether this is a plight created by the owner. He said he isn't sure if the expansion is necessary because it wasn't state law or a federal mandate that was imposing on them to continue to accept students. This may have been created by a lack of foresight on their part that lower grade students would want to continue to the upper grades. He is concerned as to what the advantages are overall in allowing this variance.

Commissioner Lindeke stated that his main concerns are pedestrian safety and traffic in the neighborhood and not the parking variance per se. A lot of people are coming from outside of the city to drop-off and pick-up their children, and based on testimony, it sounds like there are issues with speeding, not stopping at stop signs and general safety issues for pedestrians. He wants more attention paid to pedestrian safety and vehicle speeds in the neighborhood. He would like to see the school provide more information and emphasis on what they propose to do

for these issues as well as a travel demand management plan for employees, e.g., transit passes. This is a well-served spot for mass transit and they could take advantage of the location. More likely to support variances and site plan that included these elements.

Commissioner Fredson stated he mostly concerned with the site plan and believes it is inconsistent with the Comprehensive Plan, specifically Site Plan Finding One on policy supporting preservation of historic resources in historic preservation chapter 4.3, and Finding Three, inconsistent with preservation of unique historically significant characteristics of the City. He believes that parishes and buildings like this are historically significant.

Commissioner Ochs wanted to reiterate the point Commissioner Lindeke made about the safety in the area. The perimeter of the school area is a lot smaller than most schools and there is a lot less room for drop-off and pick-up. He is a parent dropping off school-age kids and aware of the poor behaviors of drivers during these times. He also said that he disagrees with the hardship assessment of the variance because the nature of the growth within the site has created the problem.

Commissioner Reveal stated that she has given this one a lot of thought and appreciates everyone's comments and presentations. She agrees with the recommendation by District 10 of approval on the variances, as well as, on further work needed on the site plan. She doesn't think the issues of traffic or public safety are adequately resolved at this point. She is more persuaded on the issue of removing the seven parking spaces and adding greenspace. There seems to be a lot of street parking available in the area. The added greenspace is a great amenity for the kids and the neighborhood. She would like to see more work done on the site plan, the results of the Public Work analysis of the traffic study, and a traffic management plan for the workforce of the school. She isn't too concerned about the growth of the school as she's been involved in the start-up of schools. It doesn't seem to be unreasonable to have three sections a class in a K-8 school, which is not that different from the original school on the site.

Commissioner Elizabeth Reveal moved to approve the variances for maximum building height, maximum lot coverage, and minimum off-street parking and to postpone the decision on the site plan in order to have the traffic study reviewed and completed by the Department of Public Works. There is tremendous merit in the project going forward, and in satisfying the neighborhood concerns to the extent possible. She would urge the applicant to voluntarily agree to an additional extension to allow for time to have discussions on the traffic and pedestrian safety concerns. She requested a date by staff; taking into account the deadline for action date. Commissioner Lindeke seconded the motion.

There was discussion on the action for deadline date and the possibility of the applicant voluntarily agreeing to an extension. Commissioner Reveal requested a brief recess to allow discussion with the applicant.

Chair Baker stated we will move to a five minute recess.

The Zoning Committee resumed and Chair Baker moved to vote on the point of order to approve the variances for maximum building height, maximum lot coverage, and minimum off-street parking with the conditions recommended by staff; including modification to condition two

stating, acceptance of the Traffic Impact Study (TIS) by Public Works Transportation Planning and Safety and inclusion of the solution recommendations as part of the approved site plan. TIS solution recommendations shall be included as conditions of the approved site plan.

After discussion about the lack of information the Committee has on parking, the applicant proposing to incentivize their employees not to drive, and the concerns with limiting the school's ability to add staff to perform student services, the motion to approve the variances and lay over the site plan failed by a vote of 0-6.

Commissioner Reveal moved to lay over the variances and site plan to the January 17, 2019, Zoning Committee meeting.

Commissioner Luis Rangel Morales moved to open the public hearing to the applicant to see if they would be willing to grant an extension on the applications. Commissioner Elizabeth Reveal seconded. The motion passes by a vote of 6-0.

Chair Baker re-opened the public hearing to call the applicant forward.

Nic Ludwig, TCGIS, stated that he feels he has to say yes so he will agree. He noted that the traffic study has been with the City staff since December 11, 2018.

Chair Baker clarified that he does not have to say yes.

Nic Ludwig confirmed that they will extend the period, but he wants the record to reflect that he feels he does not have a choice.

Kelly Laudon, TCGIS, confirmed that they will extend through March 6, 2019.

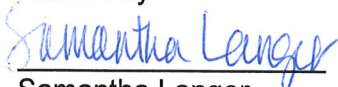
The public hearing was closed.

Commissioner Elizabeth Reveal moved to lay over of the site plan and three variances until January 17, 2019. Commissioner Luis Rangel Morales seconded the motion.

The motion passed by a vote of 6-0-0.

Adopted Yeas - 0 Nays - 0 Abstained - 0

Drafted by:



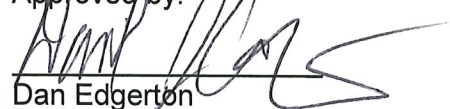
Samantha Langer
Recording Secretary

Submitted by:



Tia Anderson
City Planner

Approved by:



Dan Edgerton
Chair

Response to Staff's proposed conditions on variances:



- TCGIS agrees with the following conditions:
 - “Approval of and monitoring by the Zoning Administrator of a shared parking agreement with the owners of the property at 1040 Como Avenue for 15 off-street spaces is required.”
- TCGIS requests an amendment to the following condition:
 - “The applicant shall submit a traffic impact study (TIS) for final review and approval by Public Works, ~~and the implementation of any recommendations therein contained is required.~~” and will collaborate in good faith with Public Works to evaluate potential implementation of recommendations.
- TCGIS disagrees with the following conditions:
 - “Twin Cities German Immersion School shall have not more than 86.5 full-time equivalent employees at 1031 Como Avenue”
 - “Those plans shall include seven (7) additional off-street parking spaces but shall otherwise be in substantial compliance with the plan submitted and approved as part of this application.”

Response to Staff's proposed conditions for site plan:



- TCGIS agrees with the following conditions:
 - "Provide an obscuring wood fence at least 80% opaque and 6' in height along the east property line to buffer the abutting properties."
- TCGIS requests an amendment to the following condition:
 - ~~"Acceptance of the Traffic Impact Study by the Public Works Transportation Planning and Safety Division:~~ Collaborate in good faith with Public Works Transportation Planning and Safety Division to evaluate potential implementation of recommendations.
- TCGIS and district 10 disagree with the proposed parking variance condition - full parking variance is better for the children, the neighborhood and the environment.
 - ~~"No net loss of off street parking within the property. A parking area to the replace the seven (7) off street parking spaces proposed for removal shall be subject to Zoning Code standards and design and receive Zoning Administrator review and approval."~~

Good afternoon

My name is Teri Alberico. I live at 1023 Como Avenue.

We are here today because the school proposes to expand. The costs of this expansion are being externalized to the surrounding neighborhood and greater community. They include the demolition of an historic structure, traffic and safety impacts and impacts on noise.

I am going to focus on Finding One for the Parking Variance. Finding One states that "The variance must be in harmony with the general purposes and intent of the zoning code."

The proposed project does not meet finding one for the parking variance. Requirement (g) of section 60.103 requires the applicant "to lessen congestion on the public streets by providing off street parking of motor vehicles and for off-street loading and unloading of commercial vehicles."

A variance request of from 26 to 37 cars is extraordinary! The entire capacity of the north side of VanSlyke is 23 cars. All proposals discussed so far to manage parking are impractical. Como pool is 1200 feet away; Jessamine Ave is 800 feet away. The Mission Orthodox lot is an annual rental. If they decide the lot cannot be rented what is the consequence of being deemed out of compliance? Nothing. The structure is still demolished, the overcrowding of the site remains, and the 13 adjacent residences will be directly affected.

Here are a few slides showing the parking along Van Slyke 2013 – 2018 as well as a graph showing the number of cars parked during the day from 20 April – 12 June 2018.

The variance does not meet requirement (n) of 60.103 requires the applicant "to prevent overcrowding of land and undue congestion of population. In comparison to other schools in the area, this school has significantly more students, and concomitant staff and faculty, on a significantly smaller site.

When complete the expanded school will have roughly twice the number of students per unit are of any elementary school. The FTE for the school in 2013 when they moved in was 32. It is now ⁸⁰86.5, another example of the growth of this school and subsequent overcrowding and congestion of this site.

**Deny Variances for TCGIS
(Area, Height and Parking) as
they do not comply with
Minnesota State Statute**

462.357 Subd. 6. (2)

By

Steven Greenwood

1111 Argyle St.

St. Paul, MN

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; **the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute** practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two-family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

The plight of the landowner is due to circumstances unique to the property not created by the landowner;

The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties.

^{TCGIS} The plight of the landowner is created by the landowner, not the property

Historical Context -

1. St. Andrews School built in 1957
2. Peak year (Baby Boom) – 1962
3. # of Students – 592 *MAX*
4. Teachers – 11 Sisters and 4 lay teachers
5. Students per classroom – 37 *MAX.*
6. Two Sections per grade

Present Conditions

1. About 580+ students
2. About 80 staff.
3. Want - 24 Students per classroom
4. Want - Three Sections per grade

When TCGIS purchased St. Andrew's they had full knowledge of the church condition, a 2 section per grade school and limited parking space size & lot size.

TCGIS created their own plight by their planning errors, variances must be denied.

- a. The **Property** did not create the plight where 3 sections per grade are needed. There are hundreds of successful schools with 2 sections per grade. **The solution is to hire someone who can fiscally manage a 2 section per grade school**
- b. The **Property** did not create the student departure rate planning error. Ted Anderson said, 'more space is needed because the student departure rate was lower than planned'.
- c. The **Property** did not create the TCGIS stipulation of 24 students per class. St. Andrews had 37 max.
- d. The **Property** did not create the need for a variance request for 37 cars. It's TCGIS expansion that is creating their own plight.
- e. The **Property** did not stipulate that more students be added for enrollment.

St. Andrew's historic eligibility complies with:

City Code - Section 73.05 requirements for historical designation:

(1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Saint Paul, State of Minnesota or the United States.

(4) Its embodiment of distinguishing characteristics of an architectural or engineering type or specimen.

(5) Its identification as the work of an architect, engineer, or master builder whose individual work has influenced the development of the City of Saint Paul.

(7) Its unique location or **singular physical characteristic representing an established and familiar visual feature of a neighborhood**, community or the City of Saint Paul.

Four Independent Groups of Professional Architectural Historical Groups have concurred with historical eligibility:

1. Minnesota Historical Society
2. The St. Paul HPC - Commissioners
3. The St. Paul HPC - staff
4. Historical architectural professionals, who wrote St. Andrews report:

Rolf Anderson, Barb Bezat, Marilyn Chiat, Alan Lathrop, and Bob Roscoe

***** ANY DEMOLITION OF ST. ANDREWS
ALTERS THE CHARACTER OF
WARRENDALE , - IRRESPECTIVE OF CITY
COUNCIL'S HISTORICAL DESIGNATION
DECISION *****

Site Plan

I have been in 3 near miss accidents near TCGIS at pick up times, involving parents, cars and children.

****Traffic safety issues are not resolved****

Noise issues, as regulated by MPCA are not resolved.

The Site Plan should not be approved.

SUMMARY

Variances for TCGIS allowing demolition of St. Andrews should not be approved, it would be a violation of Minnesota State Statute 462.357:

1. The TCGIS's expansion plight is due to the owner, not the property.
2. The essential character of the locality would be permanently altered by demolition of St. Andrews.

I am Steve Greenwood and lived at 1111 Argyle about ~~1/2~~ ^{3/4} block from TCGIS, since October 1983.

~~My request is~~ Variance for TCGIS not be recommended, as they would violate Minnesota State Statutes on variances.

— This is the Minnesota statute on variance approval.

— Summarizing:

The variance approval is based on ~~uniqueness of the property, not the owner;~~ ^{the property not the owner created by the}

The variance will not alter the essential character of the locality.

Economics do not constitute practical difficulties.

Submitted by Dolores Rufenacht 1512 Canfield Ave

Name Address Maplewood
Born in St. Paul Grew up 1 mile from City limits at McKnight Rd.

TOOK The City Bus when a teenager to get to downtown & later to college I know how important it is & that it be on time and not have

I will ~~be~~ Speak in Referen of how the Park on the Route # 3 Van Slyke area. There has been some the interference to the bus service. Route due to cars parking too far out from curbs, occasionally double parking, Student Crossing at any moment with very little adult control. This has improved in the last couple months but continues on a daily basis in some form that has been seen by neighbors I have talked to.

Twin City
I called the Metro Transit Bus and Talked to Greg TUVESON Asst Manager of Street Operations for a Twin City Metro Transit. He said as of this time he has not had any reports of needing the Metro Bus Police being called to the street because of Blockage of the Bus Service but

(2)

Thanked me for making him aware of the Variance being asked for in 2019/20. Even though the Variance is for Como Ave He agreed it could possibly affect the bus service with the increase of Students comes the increase of Traffic & Staff Street parking which will overflow on to VanSlyke and adjacent Streets that Cross VanSlyke which are Churchill & (Argyle & Como Ave) at Same spot.

With winter on our heels always in Oct - Dec and full winters Jan - March. Snow picks on Corners Street parking shrinking due to difficulty keeping up with plowing Streets Street Width decreases due to Snow at curbs. This makes Travel of the City Bus even more difficult.

If a bus is late more than 3-5 min that affects the whole City not just the bus stops after VanSlyke. It can affect Bus Transfers not connecting at the correct time will affect residents all over St. Paul.

I am Retired and 541 drive
but I know as I grow older
I may rely on Bus Service Again more.

3
The drivers have not complained as
of yet because they are trained to
be patient to a certain limit.
They are trained to be very observant
and watch for children in school
zones. The route has not been reported
as late as of this time but he will
be talk to the drivers about the
situation and having them commment
with him if there is any problem
with the route. With this increase
of Children & Staff will be brings
high #'s of Traffic to the area and
if a Street is ever blocked more
than 3-5 min. The Transit Police
will be called immediately to the area.

my point is I see that
there is High possibility
that this variance could
impact Not only the Neighbors
of the School but also
the bus service for that
area & possibly affect service
further down that route.

Time allowed for a bus to run
between Hamlenline/Como Stop &
Margaret/Dale Stop is only (7 min)

It Time address

The current ~~delivery~~ ^{Teaching} Model
for Related services such
as O.T., Speech, & Spec E Techn
as well as others.

IS to service them
within the Class room and
NOT pull out except for

Tuesday and a few cases
where it is just too difficult
to provide the services they
need - do the their behavior
or sensory issues when they need
to be removed for Calming or
behavior management. ~~Common~~

It is common in all other
Schools City & State wide to
have to be a table in the
Hall way for pull 1 on 1 help
with Out load ready or work on
home work they are behind on
or need extra help.

The Green Space is not big
enough for Proper Expan



Roy Neal Testimony on TCGIS Variance & Site Plan

December 20, 2018

I strongly oppose the variance requests and site plan proposed by the Twin Cities German Immersion School (TCGIS).

While the variance requests seem minute—1% here, 3 feet there—tiny numbers can be deceptive. They hide the tremendous impact this proposed plan would have on the tiny residential neighborhood of Warrendale. If these variances are granted, they will start a chain reaction that results in the demolition of the symbolic heart of a St. Paul neighborhood. These small variances could alter the neighborhood forever. We should all care about that.

TCGIS claims their plan won't harm neighborhood character. That claim should not be taken lightly. Character is important and appears many times in the city plan and Como Park plans. Variances should be mindful of the impact on the character of the neighborhood. In fact, the Land Use section of the city plan says it clearly: "The City should maintain the character of Established Neighborhoods." It's hard to imagine a plan that could damage the historic character of Warrendale more. The new building would be a poor successor to the landmark historic St. Andrew's building, now found to be worthy of historic designation by HPC and SHPO.

Since the Zoning Committee Staff Report was written, the State Historic Preservation Office (SHPO) weighed in on this issue. They agreed with HPC's conclusion that the former SA building should be saved for future St. Paulites. "We concur that St. Andrew's church is an ideal candidate for local designation." St. Andrew's is a special place that deserves recognition, not demolition.

The city plan and the Como Park neighborhood plan call for preservation and sustainable neighborhoods. Both plans call for sustainable use of St. Paul's resources, reuse of historic buildings, and maintenance of the elements that define Warrendale as historic and residential. TCGIS' proposed plans violate these points. Approval of variances for the flawed site plan will violate the letter, spirit, and intent of the city and neighborhood plans.

I appreciate the work that has been done to examine the charter school's proposal, but the analysis of the proposed plan is incomplete, and many committee and staff conclusions are puzzling.

READ The zoning staff report says that the site plan needs to support the city plan. But then said that the city plan provides mixed guidance, BUT YET concludes the site plan "on balance" meets the city plan. That's a puzzling conclusion. The Comprehensive and Neighborhood Planning Committee notes suggested that the city plan is ambiguous about what to do when confronted with the demolition of an historic building. No it isn't.

In its list of ""High Priorities for Action" the comp plan lists "Preserve and Protect Historic Resources."

Quotes from city comp plan:

"There are a finite number of irreplaceable historic resources in Saint Paul. Historic resources are focal points of the community...neglect, inappropriate alterations, and purposeful removal are all avoidable conditions. Policies under this strategy focus on how to preserve, protect, and maintain the unique character of Saint Paul's historic resources."

"Despite an appreciation for historic preservation and obvious examples of its economic value, historic structures and neighborhoods are too often sacrificed..."

The city plan is clear that the building should be saved. Approval of the variances will lead to demolition. The demolition of the church would violate many key strategies of the city plan. A violation is non compliance. Where is the ambiguity?

Some city plan strategies, such as sustainability, were not given their due. In fact, the city plan calls sustainability "the overarching theme of the Saint Paul Comprehensive Plan." Sustainability must be considered and even prioritized. Preservation and reuse is all about sustainability. Sustainability underlies Minnesota state law that protects historic buildings as natural resources that the public has a right to enjoy. Yet the discussions had so far in committee are limited and incomplete.

The site plan was noted as energy-saving, yet there was no consideration of the massive energy and environmental cost of demolition and construction. According to studies by the National Trust, projects like this can take *up to 80 years to make up for the massive carbon footprint and environmental damage they do*. The greenest building is the one already built. That should have been considered but was not.

The staff zoning report called the proposed development consistent with the Como Park plan's goal of maintaining a "stable, residential neighborhood quality with limited, sensitive development and re-development that enhances the residential quality of the neighborhood." What part of destroying a landmark in the heart of the neighborhood qualifies as LIMITED, SENSITIVE DEVELOPMENT or enhances the residential quality of the area?

The Land Use part of the city plan speaks about how schools can form "an identity for specific areas of the city." That's true, but Warrendale's identity is not tied to TCGIS, which is a recent arrival to the neighborhood. Instead, it is more closely tied to the St. Andrew's school which operated for decades.

Some of TCGIS' claims are also puzzling.

They claimed "the new building will fit more with the scale of surrounding structures." So, they claim that the proposed building will fit in better than a building that was built in Warrendale nearly a century ago and has been the heart of the community! That makes no sense and shows a profound lack of empathy for the neighborhood's history. They also claimed that the new building will be "less imposing" than St. Andrews—as if the removal of a grand, proud building is somehow a benefit to the neighborhood.

TCGIS claims that about 20% of staff do not drive a car to work, but they "attribute this in part to the fact that many of our teachers are from Germany, who stay for 1 to 3 years and do not invest in cars." I live near 2 TCGIS teachers from Germany. They have two cars. Parking is a contentious issue in Warrendale so getting the figures the right is important.

Any notion that TCGIS suffers "due to circumstances unique to the property" is untrue. TCGIS has used the building as a school for 5 years. In 2014, they claimed to be happy with the property, according to their own documents. There is nothing inherently difficult about using the property for a school—as they have done for 5 years. The property didn't force the school to add another section. The variance guideline makes it clear that it was meant to offer landowners relief from onerous or unsolvable situations caused by the property itself. This is not one of those situations.

Any fear that the site would sit abandoned if they left is baseless. The site has had a steady string of tenants from church groups, to SPPS, to French Immersion. There is no reason to think it would ever sit abandoned.

The assertion that the school did an adequate job alerting the community about their plans is false. Like most neighbors, I didn't learn of the pending demolition of the church until a D10 Land Use meeting in March, 2018. And no meaningful community input was sought nor included in the plan before or after that meeting.

Neighbors who organized offered to work creatively with the school to find better ideas for adaptive reuse that would fit the city comprehensive plan, and offered to organize a design charrette to help find win/win solutions, but TCGIS refused. They are now radar-locked on a single, inflexible plan that requires variances to proceed, but neighborhood acceptance to succeed.

I am not against the school. I am against this harmful plan, created without community collaboration. I hope that by rejecting the current variance request or delaying a decision so the PC can better evaluate new information in committee will encourage TCGIS to meet with the community to create a better plan that respects the entire community.

Thank you.

Roy Neal

1231 Minnehaha Ave W

St. Paul, MN, 55104