

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Rehder and Associates, File # 18-126-865, has applied for variances for maximum building height (30' allowed, 33'-1" proposed), maximum lot coverage (35% allowed, 36% proposed), and minimum off-street parking (86 spaces required, 52 spaces proposed) under the provisions of § 61.601 of the Saint Paul Legislative Code, on property located at 1031 Como Avenue, Parcel Identification Number (PIN) 26.29.23.22.0173 Warrendale Subj To Esmt, Vac Alley Accruing And Fol, Beg At The Nw Cor Of Lot 19 Thence Sely On The Nely Lot Line 60 Ft Thence S 78 Ft To Pt 48.5 Ft E At Ra From W Line Of Sd Lot Thence Swly 41.4 Ft To Pt On S Line 25 Ft E At Ra From W Line Thence Wly On SD Line 28 FT TO SW Cor Thence N 130.7 FT To POB Being Pt OF Lot 19 also all of Lots 10 Thru Lot 15 & Lots 20 Thru Lot 23 Blk 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 20, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

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

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

2. The applicant is proposing to meet the off-street parking requirement of 86 spaces through an existing 25-space surface lot (to be expanded to 28 spaces), providing 37 secured bicycle parking spaces (1 required) to reduce the required amount of off-street

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

parking by 10% (9 spaces), a shared parking agreement with a neighboring property for 15 off-street spaces, removal of an existing 7-space lot, and a 34-space variance of the requirement.

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

(a) *The variance is in harmony with the general purposes and intent of the zoning code.*

For variances of maximum building height and maximum lot coverage, this finding is met. The magnitude of those variances is small, and they are reasonable accommodations for an allowed use that requires larger buildings than other uses permitted in the zoning district. This finding can be met for the variance of minimum off-street parking, provided the applicant does not further increase student enrollment such that it results in an increased parking requirement at 1031 Como Avenue.

(b) *The variance is consistent with the comprehensive plan.* This finding is not met. Policy 1.55 of the Land Use Chapter of the *Comprehensive Plan* calls for the City to “collaborate with public and private elementary and secondary schools in conjunction with construction or major remodeling”. Policy 1.57 of the Land Use Chapter of the *Comprehensive Plan* calls for the City to “encourage communication between education institutions and residents of the community when those institutions seek to expand or make significant changes to their campuses”. The Saint Paul Planning Commission, based on testimony received, finds that on balance the requested variances are not consistent with these policies. The requested variances are also inconsistent with Policy 4.3 of the Heritage Preservation Chapter of the *Comprehensive Plan*, which directs the City to “protect undesignated historic resources”, and with Policy HLU 4.1 of the *District 10 Como Community Plan*, which supports the preservation of historic neighborhood character.

(c) *The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met for the variances of maximum building height and maximum lot coverage. The proposed new building would occupy a similar though slightly larger footprint as the existing former church, and will be of similar mass and slightly lower height than the existing building. The requested variance of maximum lot coverage is small relative to the size of the property, and reducing the footprint of the proposed new building to meet the maximum lot coverage requirement, while potentially feasible, would have a minimal impact on the overall site plan while potentially negatively impacting the functionality of the proposed building for its intended use.

The school is an allowed use, and the configuration of buildings on the lot does not provide sufficient area to construct additional, new parking sufficient to meet the off-street parking requirement. While the applicant proposes removing 7 existing off-street spaces, there is still a net increase in off-street parking provided, and the removal is a reasonable way to achieve needed, usable green spaces on site. This finding can be met for the variance of minimum off-street parking, provided the applicant does not further increase student enrollment such that it results in an increased parking requirement at 1031 Como Avenue.

(d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is not met for the variances of maximum lot

coverage or required minimum off-street parking. In 2014, the applicant constructed a new building connecting an already existing school building on the property with the former church building. At the time of the site plan approval for the new school building and reconfigured site, Twins Cities German Immersion School reported a total of 32 employees, and the use met the corresponding requirement of 32 off-street parking spaces. Since that time, Twin Cities German Immersion School has grown its enrollment and made a corresponding increase in staffing, to a current total of 80.6 employees, with a proposed future staffing level of 86.5 employees. The plight of the landowner is the result of the decision of Twin Cities German Immersion School to grow enrollment and, and by extension employment, on a site not large enough to accommodate the additional required off-street parking and larger building. This finding is met for variance of maximum building height; schools are an allowed use in the district, and the additional height is needed to accommodate the proposed gymnasium.

- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. Elementary and middle schools are allowed uses in the R4 one-family residential district, and the proposed variances do not change the use.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is not met for all proposed variances. The proposed building will be similar in mass to the existing building proposed for removal, and the use already exists in the area. However, the variances will permit the increased enrollment and therefore employment at TCGIS. The corresponding increase in traffic to and from site is not consistent with the character of the area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Rehder and Associates on behalf of Twin Cities German Immersion School for variances of maximum building height (30' allowed, 33'-1" proposed), maximum lot coverage (35% allowed, 36% proposed), and minimum off-street parking (86 spaces required, 52 spaces proposed) at 1031 Como Avenue is hereby denied.