

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Twin Cities German Immersion School **FILE #:** 18-126-865
  2. **APPLICANT:** Rehder And Associates on behalf of Twin Cities German Immersion School  
**HEARING DATE:** December 20, 2018
  3. **TYPE OF APPLICATION:** Variance
  4. **LOCATION:** 1031 Como Ave (between Argyle and Churchill)
  5. **PIN & LEGAL DESCRIPTION:** 62923220173 Warrendale Subj To Esmt, Vac Alley Accruing And Fol, Beg At The Nw Cor Of Lot 19 Thence Sely On The Nely Lot Line 60 Ft Thence S 78 Ft To Pt 48.5 Ft E At Ra From W Line Of Sd Lot Thence Swly 41.4 Ft To Pt On S Line 25 Ft E At Ra From W Line Thence Wly On SD LINE 28 FT TO SW COR THENCE N 130.7 FT TO POB BEING PT OF LOT 19 ALSO ALL OF LOTS 10 THRU LOT 15 & LOTS 20 THRU LOT 23 BLK 4
  6. **PLANNING DISTRICT:** 10 **PRESENT ZONING:** R4
  7. **ZONING CODE REFERENCE:** §§ 61.601; 61.202(b); 63.207
  8. **STAFF REPORT DATE:** 12/14/2018 **updated 1/17/19** **BY:** Josh Williams
  9. **DATE RECEIVED:** November 29, 2018 **60 DAY DEADLINE FOR ACTION:** January 25, 2019
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- A. **PURPOSE:** Variances for maximum building height (30' allowed, 33'-1" proposed), maximum lot coverage (35% allowed, 36% proposed), and minimum off-street parking (86 spaces required, 52 spaces proposed).
- B. **PARCEL SIZE:** 77,471 sf, plus 6,020 sf for half the alley (approx. 1.92 acres)
- C. **EXISTING LAND USE:** K – 8 school with 587 students and 80.5 FTE staff
- D. **SURROUNDING LAND USE:**  
North: R4 single-family and duplex  
East: R4 single-family and multi-family  
South: R4 single-family and institutional  
West: R4 single-family
- E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to permits; §61.601(b) lists the findings that must be made for the Planning Commission to grant a variance of code requirements; §63.207 lists off-street parking requirements by use.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of 1 off-street parking space for each employee of an elementary or middle school. The expected staff FTEs requires 86 off-street parking spaces (fractional spaces including .5 are disregarded). The project is proposing a 34 space parking deficiency. The site plan includes: 1) a 25-space existing surface lot restriped and slightly enlarged to provide 28 off-street vehicle parking spaces, 2) removal of 7 off-street parking spaces, 3) one required bicycle parking space plus excess bicycle parking of 36 spaces, which allows for a 10% parking reduction, and 4) proposed shared parking for 15 off-street parking spaces with an adjacent church at 1040 Como Ave.

### G. HISTORY/DISCUSSION

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

An application was submitted by a third-party seeking to designate the former church as historic. The Saint Paul Heritage Preservation Commission (HPC), at a public hearing on November 5, 2018, voted that the former St. Andrew's Church is eligible for local designation as a Saint Paul Heritage Preservation Site. Sec.73.05 of the Saint Paul Legislative Code requires the HPC to solicit recommendations on any proposed local designation from both the Planning Commission

and the State Historic Preservation Office (SHPO). On December 14, the Planning Commission voted to recommend against proposed designation. Also on December 14, a letter from SHPO supporting the nomination was provided to the Saint Paul HPC. The next step in the nomination process is for the HPC to hold a public hearing on the proposed preservation plan. If the HPC supports the preservation plan, both the nomination and preservation plan will be forwarded to the City Council, along with the recommendations from the HPC, SHPO, and the Planning Commission for a public hearing on the nomination. If the building is designated, the HPC would need to review and approve all exterior work at the property, including any proposed demolition. Any HPC decision on an application for exterior work would be appealable to the City Council.

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

I. **FINDINGS:**

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

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

2. The applicant is proposing to meet the off-street parking requirement of 86 spaces through an existing 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 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 so as to increase parking requirement at 1031 Como Avenue. A requirement that student enrollment at the school shall not increase beyond the proposed 648 such that it results in an increase in the parking requirement at 1031 Como Avenue should be a condition of approval.

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

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

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

The school is an allowed use, and the configuration of buildings on the lot does not provide sufficient area to construct additional, new parking sufficient to meet the off-street parking requirement. While the applicant proposes removing 7 existing off-street spaces, 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 so as to increase parking requirement at 1031 Como Avenue. A requirement that student enrollment at the school shall not increase beyond the proposed 648 such that it results in an increase in the parking requirement at 1031 Como Avenue should be a condition of approval.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met for the variances of maximum building height and maximum lot coverage. The proposed new school building is an allowed use and will, if approved, occupy a similar though slightly larger footprint as the existing former church, and will be of similar mass and slightly lower height than the existing building. The former church building, which will be replaced by the proposed school building, was built long prior to the current owner’s control of the site.

This finding can be met for the variance of minimum off-street parking, provided the applicant does not further increase student enrollment so as to increase parking requirement at 1031 Como Avenue. A requirement that student enrollment at the school shall not increase beyond the proposed 648 such that it results in an increase in the parking requirement at 1031 Como Avenue should be a condition of approval. In 2014, the applicant constructed a new building connecting an already existing school building on the property with the former church building. At that time, surface parking to south and west of the existing school building was removed to

accommodate the new school building and an outdoor play space. Based on review of a 2011 aerial photo of the site, it appears that a least 24 off-street parking spaces were removed. Also at that time, according to site plan records, the former rectory building, to the west of the former church was demolished and replaced by a new 25-space parking lot, and the existing parking lot to the east of the former church was reduced in size by 10 spaces, from 17 to the current 7. The net impact to off-street parking on the site was a loss of 8 spaces. The net loss of 8 off-street spaces at the time of the 2014 expansion can be off-set by a shared parking agreement for use of 15 spaces with the owner of the adjacent property at 1040 Como Avenue. Approval and monitoring of the shared parking agreement by the Zoning Administrator should be a condition of approval.

- (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 met for all proposed variances. The proposed building will be similar in mass to the existing building proposed for removal, and the use already exists in the area. The variances will allow increased enrollment and employment at TCGIS, increasing traffic to and from site. The applicant has provided a traffic impact study (TIS) for review by Public Works. Final approval of the study by Public Works, along with implementation of any recommendations therein, should be a condition of approval of the variances.

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

1. Final plans for this use must be approved by the Zoning Administrator. Those plans shall be in substantial compliance with the plan submitted and approved as part of this application.
2. Acceptance of the Traffic Impact Study by the Public Works Transportation Planning and Safety Division. Traffic Impact Study solution recommendations requiring changes to the public realm, including a marked pedestrian crossing on Como Ave at Oxford St and time-of-day parking restrictions, shall be implemented as part of the site plan. Public Works Traffic Engineering and the applicant shall assess additional operational and engineering solutions to improve safety; the school shall implement prescribed solutions as directed by Public Works.
3. 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. If the shared parking agreement is terminated for any reason, the school shall immediately notify the Zoning Administrator in writing and apply for a 15-space off-street parking requirement variance.
4. Twin Cities German Immersion School shall not increase future student enrollment above the proposed 648 students such that it would require additional parking at 1031 Como Avenue.