



## Legislation Details (With Text)

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**Title:** Memorializing the City Council's decision to deny an appeal of a BZA decision granting variances for the expansion of Linwood Schools, 1023 Osceola Avenue.

**Sponsors:** Rebecca Noecker

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/13/2017	1	Mayor's Office	Signed	
6/7/2017	1	City Council	Adopted	Pass

Memorializing the City Council's decision to deny an appeal of a BZA decision granting variances for the expansion of Linwood Schools, 1023 Osceola Avenue.

WHEREAS, on January 9, 2017, the Saint Paul Public Schools ("SPPS") duly applied to the Board of Zoning Appeals ("BZA") under BZA File No. 16-067184, for two variances from the strict application of Legislative Code § 66.231 pertaining to maximum allowed building height and from Leg. Code § 66.232 pertaining to maximum allowed lot coverage in order to construct an addition to the Linwood Monroe Arts Plus Lower Campus school building located on property commonly known as 1023 Osceola Avenue (P.I.N.: 022823330034) and legally described as Samuel B. Pierces enlargement Lots 1o Thru 2o And Ex E 22 Ft For Alley Lot 21 And Vac Alley S Of And Adj Sd Lots 1o Thru Lot 14 Blk 2; and

WHEREAS, the said school building is located in an R4 zoning district which sets the maximum height limit for buildings at 30-feet and maximum lot coverage at 35%. The building addition proposed by SPPS would be 47-foot high for a height variance of 17-feet while the footprint of the new building was proposed at 31,300 sq. ft. (38.5% lot coverage) for a lot-coverage variance of 2,848 sq. ft. (28,452 sq. ft. permitted at 35% lot coverage); and

WHEREAS, on February 13, 2017, the BZA duly conducted a public hearing pursuant to Leg. Code § 61.601 where all persons interested were afforded an opportunity to be heard and, upon the close of the public hearing and following the discussions of the BZA and a failed motion to deny the SPPS's variance applications, the BZA duly moved to continue its deliberations on the matter to February 27, 2017; and

WHEREAS, on February 27, 2017, the matter was again taken up by the BZA where it was announced that the minutes from the February 13, 2017 hearing had not yet been completed and with one commissioner in attendance that had not been in attendance at the February 13, 2017 public hearing, the BZA determined to further continue its deliberations on the matter to March 13, 2017; and

WHEREAS, on March 13, 2017, the matter was again taken up by the BZA where, following discussions and a failed motion to deny the said variances, a motion to grant the variances, based upon the reasons set forth in the staff report dated February 9, 2017 and incorporated into BZA Resolution No.16-067184, was duly adopted

and are, by reference, incorporated herein as follows:

*“1. The variance is in harmony with the general purposes and intent of the zoning code.*

This property is located in a National Register Historic District that is not in a locally designated district. However, under Minnesota Statute 116D.04, permits for any exterior work including the demolition or partial demolition of a building or structure on the property, cannot be issued until Heritage Preservation staff has determined if the proposed work requires completion of an Environmental Assessment Worksheet (EAW). A determination was made that an EAW was required for this project. An EAW was filed with the Minnesota Environmental Quality Board (EQB) on October 3, 2016 and circulated for review and comment to all parties on the Minnesota Environmental Review Program distribution list on October 6, 2016. A Notice of Availability of the EAW was published in the EQB Monitor and posted on the Saint Paul Early Notification System on October 10, 2016. The thirty-day public comment period ended November 9, 2016. The Findings of Fact and Record of Decision was completed on February 2, 2017.

The Findings of Fact and Record of Decision identifies two mitigation requirements. These are: 1) the completion of a traffic study documenting existing traffic volumes and planned operations at the school; and 2) archival photographic documentation of the existing building prior to any demolition activities, completion and submission to the State Historic Preservation Office (SHPO) of a Minnesota Architecture-History Form for the site, and a requirement that the finished building be consistent with the design submitted to SHPO by the project proposer’s representatives on January 10, 2017. Compliance with these mitigation requirements should be conditions of approval of the requested variances.

Linwood Monroe Arts Plus (LMAP) is a public magnet school for Pre-K thru 8th grade students. The program is currently divided between two campuses consisting of Linwood Lower (K thru 3rd grade) and Monroe Upper (Pre-K, ECFE and 4th thru 8th grades).

This site is Linwood Lower Campus, an Elementary School building constructed in 1922, which according to the applicant, is no longer suitable to accommodate the needs of today’s elementary education due to its relatively small size. The space limitation resulted in a number of activities including gym, performances and meals taking place in the same gathering space and the Pre-K, 4th and 5th grades being housed in the Linwood Upper Campus a few miles away. This building accommodates grades K thru 3rd grade only.

In order to provide an adequate learning environment that would meet the education needs of the students and staff, the applicant is proposing to construct a building addition, additional parking on the east side of the existing building and other site amenities including playgrounds as shown on the submitted site and elevation plans. However, this proposal cannot be accomplished without the following variances: 1) A building footprint occupying a maximum of 35% of the lot or 28,452 square feet is allowed, the proposed building would occupy 38.5% of the lot or 31,300 square feet for a variance of 3.5% or 2,848 square feet. 2) A building height of 30 feet is allowed, the proposed addition, at three stories, would be constructed to match the height of the existing classroom spaces of 47 feet for a height variance of 17 feet.

The proposed addition is needed to match the height of the existing third floor. This school addition would be designed to mirror the height of existing elements, which vary between 46.6 feet and 52.3 feet, although the height of the new addition would not exceed 47 feet. Furthermore, the new addition would address accessibility concerns by raising the grading up around the addition 2 to 3 feet. This would also improve the height consistency around the school.

The proposed building addition would accommodate the transferring of programs Pre-K and 4th grade, which are currently located in the Monroe Upper Campus. According to the applicant, this proposal would create a

better learning environment as it would allow similar-aged peer groups together in one building.

Chapter 2.4 of the Comprehensive Plan encourages the development of a strategy for investing in a broad range of infrastructure projects that support the growth of existing schools. The intent and purpose of the zoning code is to implement the policies of the Comprehensive Plan. The requested variances to allow the proposed school addition are consistent with the above stated purpose and intent of the zoning code. This finding is met for both requested variances.

*2. The variance is consistent with the comprehensive plan.*

The City's Comprehensive Plan recognizes that economic sustainability is driven by quality schools which, as well as unique amenities, attract new populations while redevelopment renews the built environment. The request to construct a building addition large and tall enough to accommodate additional students and provide a better learning environment for both the staff and students is consistent with this vision of the Comprehensive Plan. This finding is met for both requested variances.

*3. 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.*

The proposed three-story building addition is intended to meet the school's educational needs and the height variance is needed to line up the new floor space with existing space on each of the three floors. However, the 30-foot height limit for all buildings in this zoning district prevents an addition that matches the existing building height without a variance.

With the current layout of this school, a number of activities occur in the same space: gym, performances and meals. Additionally, the current layout of the existing classrooms, common areas and student services are inadequate and do not meet today's educational standards. These are practical difficulties in constructing a reasonable school addition without the requested variances. This finding is met for both requested variances.

*4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The lack of adequate floor space and the height of the existing classroom space on the third floor of this building, which the applicant is trying to match, are circumstances unique to the property not created by the landowner. This finding is met for both requested variances.

*5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

A school is a permitted use in this zoning district and the requested variances if approved will not change the zoning classification of the property. This finding is met for both requested variances.

*6. The variance will not alter the essential character of the surrounding area.*

The new structure will complement the existing Linwood Elementary School building architecture. Care was taken in designing the building to address character and visual concerns. In order to reach this goal, the building was designed to mirror the height of existing elements, which vary between 46.6 feet and 52.3 feet. The proposed building will not detract from the residential character of the area. This finding is met for both requested variances."

AND, WHEREAS, in approving the said variances, the BZA imposed the following conditions on the approved variances pursuant to Leg. Code § 61.107, based upon the staff recommendations contained in the staff report dated February 9, 2017, incorporated into BZA Resolution No.16-067184, and are incorporated herein by reference as follows:

“(1) The proposed building addition is constructed as shown on the plans submitted with this application.

(2) The site development complies with the mitigation plan to complete a traffic study documenting existing traffic volumes and planned operations at the school.

(3) Archival photographic documentation must be obtained for the existing building prior to any demolition activities, which must be completed and submitted to the State Historic Preservation Office (SHPO) on a Minnesota Architecture-History Form for the site.

(4) The finished building be consistent with the design submitted to SHPO by the project proposer’s representatives on January 10, 2017.”

AND, WHEREAS, on March 23, 2017 and pursuant to Leg. Code § 61.702(a), Lynn & Val DiEuliis, duly filed with the City Clerk under DSI Zoning File No. 17-023901, an appeal from the BZA’s determination in this matter and requested a public hearing before the City Council for the purpose of considering the actions taken by the BZA; and

WHEREAS, on April 19, 2017, and pursuant to Leg. Code § 61.702(b), the City Council duly conducted a public hearing on the said appeal where all interested parties were given an opportunity to be heard; and

WHEREAS, the City Council, having considered the variance application, the report of staff, the BZA’s files, minutes, and BZA Resolution No.16-067184 and having heard all the testimony made during the public hearing; does

HEREBY RESOLVE, that the Council of the City of Saint Paul, hereby upholds the BZA’s decision in this matter as the Council finds that the Appellants have not demonstrated error by the BZA in any of its fact, procedures, or findings in this matter and, accordingly, the Council hereby adopts by reference as its own in support of and as the basis for its decision, the BZA’s findings as set forth in BZA Resolution No.16-067184; and

BE IT FURTHER RESOLVED, for the reasons above stated, the appeal of Lynn & Val DiEuliis be and is hereby denied; and,

BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to the Applicant Saint Paul Public Schools, the Appellants Lynn & Val DeEuliis, the Zoning and Planning Administrators, the Planning Commission and the BZA.