



REQUEST FOR CITY COUNCIL DISCUSSION

Agenda Date: 1/07/2019

Item No.: 7.b

Department Approval

City Manager Approval

Item Description: Consider Actions Regarding Hand in Hand Temporary School Structure at 2131 Fairview Avenue – Corpus Christi Church

BACKGROUND

In August 2013, Hand In Hand Christian Montessori (HIH) received interim use approval for a temporary classroom facility to be located on the property until August 31, 2016. The interim use (IU) approval was necessitated by the fact that the proposed structure would not conform to the design standards in the INST District.

In August 2015, HIH sought and received an extension to allow occupancy of the temporary structure for an additional two academic years after the upcoming school season with an expiration of the IU of December 31, 2018. This approval was subject to the three conditions below:

- 1. Until such time as a more comprehensive storm water management system is approved by the City Engineer and installed on the property, the applicant shall maintain the yard and the drain tile device, which was installed to satisfy the conditions of approval of the existing interim use, so as to ensure the continued, proper functioning of that required drainage system;
2. The applicant shall work with Metropolitan Council to address and resolve any additional SAC obligation resulting from extended occupancy of the temporary classroom facility, and shall provide Community Development Staff with documentation of having satisfied any additional SAC obligation, prior to the expiration date of the 2013 interim use approval, which is August 31, 2016; and
3. The approval shall expire, and the temporary classroom facility shall be removed, by 11:59 p.m. on December 31, 2018, or within 6 months of the relocation of HIH off of the property, whichever comes first.

REVIEW OF REQUEST

As the City Council is aware, HIH is in the process of proceeding through the Comprehensive Plan Land Use Map Amendment and Official Zoning Map Amendment processed for the former armory site. As such, and assuming all goes well, HIH would purchase the armory property and complete extensive remodeling to convert the existing facility into a school.

However, one item that was inadvertently missed throughout this process, which began in the summer of 2017, was the need to extend the IU prior to its expiration on December 31, 2018. It should be noted that HIH has an agreement in place with Corpus Christi Church to lease the existing school space to the end of the 2018/2019 school year.

32 Given the late date, HIH and the Planning Division are unable to process the necessary Open  
33 House and application before the December 31 expiration. As a result, the Planning and Permit  
34 Divisions are seeking action by the City Council regarding the SAC obligation, the removal of  
35 the temporary school structure, and the existing IU.

36 Specifically, on December 31, 2018, the Building Official will need to revoke the Certificate of  
37 Occupancy (CO) on the temporary school structure and be required, under the IU, to seek its  
38 removal from the Corpus Christi site. Similarly, the Planning Division will have an expired IU  
39 that would need to be enforced by seeking a cease and desist order for HIH's use of the  
40 temporary school structure.

41 The Planning and Permit Divisions recognize the expiration of the IU and that the school is in  
42 mid-year of the 2018/2019 calendar year and our intention is not to displace HIH. With that  
43 said, we are seeking a stay in the revocation of the CO and a stay on the December 31, 2018,  
44 removal of the building until July 31, 2019.

45 The applicant will be required to pay for the required SAC fees amounting to \$7,455 for use of  
46 the temporary structure past September 1, 2016, per Metropolitan Council Environmental  
47 Services (MCES).

#### 48 **SUGGESTED CITY COUNCIL ACTION**

49 Adopt a resolution (draft – Attachment A) that addresses the following items:

- 50 a. Stay the cancellation of the Certificate of Occupancy on the temporary classroom  
51 building from December 31 2018, to July 31, 2019;
- 52 b. Stay the removal of the temporary classroom building from December 31, 2018, to July  
53 31, 2019;
- 54 c. Allow the IU to expire and the temporary classroom building to remain until its required  
55 removal on or before July 31, 2019;
- 56 d. Require payment of the remaining \$7,455 SAC fee that was not paid by August 31, 2016.

**Report prepared by: Thomas Paschke, City Planner, 651-792-7074 | [thomas.paschke@cityofroseville.com](mailto:thomas.paschke@cityofroseville.com)**

Attachment: A. Resolution

**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 7<sup>th</sup> day of January, 2019, at 6:00 p.m.

The following members were present:  
and the following were absent:

Councilmember \_\_\_\_\_introduced the following Resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING THE EXPIRATION OF AN INTERIM USE PERMIT FOR PROPERTY  
LOCATED AT 2131 FAIRVIEW AVENUE, (PF13-010) AND STAYING ENFORCEMENT UNTIL JULY  
31, 2019**

WHEREAS, in August 2013 the City Council approved an Interim Use Permit for Hand In Hand Christian Montessori (“HIH”) to construct and operate a temporary classroom structure on property commonly known as Corpus Christi Church, 2131 Fairview Avenue; and,

WHEREAS, in August 2015 the City Council granted an extension of said Interim Use Permit through December 31, 2018; and,

WHEREAS, said Interim Use Permit required, among other obligations, that HIH pay all Sewer Availability Charges (“SAC fees”) applicable to the interim use; and,

WHEREAS, said Interim Use Permit further required the removal of the temporary classroom structure upon expiration of the permit; and,

WHEREAS, the expiration of the Interim Use Permit occurred at 11:59 p.m. on December 31, 2018; and,

WHEREAS, the temporary classroom structure has not been removed and the applicable SAC fees, which total \$7,455.00, have not been paid; and,

WHEREAS, the many school-aged students served by HIH are in the middle of their current academic year and HIH has not secured alternative classroom facilities for such students; and,

WHEREAS, the City Council does not desire to displace said students during their current academic year through no fault of their own.

**Attachment A**

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby declares:

1. The above-referenced Interim Use Permit is expired.
2. City staff shall revoke the Certificate of Occupancy governing the above-referenced temporary classroom structure.
3. Pursuant to the express terms of said Interim Use Permit, HIH is ordered to remove the above-referenced temporary classroom structure.
4. Pursuant to the express terms of the Interim Use Permit, HIH is ordered to pay \$7,455.00 in SAC fees.
5. Enforcement by City staff of the Orders contained in paragraphs 2, 3, and 4 above is stayed until no later than 11:59 p.m. on July 31, 2019, at which time HIH shall have completed all Orders of this Resolution.

The motion for the adoption of the foregoing resolution was seconded by Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

WHEREUPON said resolution was declared duly passed and adopted.