

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-3143

Date: August 14, 2006

Applicant: Minnesota Internship Center Charter School

Address of Property: 2507 Fremont Ave N

Project Name: MIC - Fremont

Contact Person and Phone: Stephen Bosacker, 651-645-0200 x3012

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: July 14, 2006

End of 60-Day Decision Period: September 12, 2006

End of 120-Day Decision Period: Not applicable

Ward: 5 **Neighborhood Organization:** Jordan Area Community Council

Existing Zoning: R2B Two Family District

Zoning Plate Number: 8

Lot area: 15,691 square feet

Proposed Use: Charter School serving grades 9-12

Concurrent Review:

- A conditional use permit to allow a Charter High School within an existing building, in the R2B (Two-family) district.
- A variance to reduce the minimum lot size from 20,000 square feet to 15,691 square feet.
- A variance to reduce the required on-site parking from 35 to 18 spaces.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, Article IX Variances

Background: Stephen Bosacker, on behalf of Minnesota Internship Center Charter School (MNIC), has submitted an application for a conditional use permit to allow for a Charter School in the existing building at 2507 Fremont Ave N. The building is 17,820 square feet that currently houses the offices of Pillsbury United Communities. The Minnesota Internship Center proposes to inhabit approximately

two-thirds of the building (the lower and first floors) immediately and the entire building by December of this year.

In 2000 Pillsbury Neighborhood Services (which can be considered the same as Pillsbury United Communities) was approved for an expansion of a legal nonconforming use and variance to allow the addition of a vestibule to the building. The vestibule has since been built, but some site improvements that were approved have not yet been made.

MNIC provides education and internships for students predominantly 17-21 years old. Students are in classes half the day and work out in the community the remainder of the day. At this location MNIC proposes to service a total of 100 students.

A school in the R2B district requires a conditional use permit. Because of the lot size and number of off-street parking spaces available, two variances are also needed.

At this time staff has received no written comments from the Jordan neighborhood.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

There is no indication that use of this building as a charter high school would endanger the public any way. With 100 students only in school for half the day the impact should be much less than a traditional high school.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

2507 Fremont is bounded on the north by a single family home and across an alley to the west by another single family home. Directly across Fremont are two multi-family buildings. The building is located on a corner and not oriented toward the single family homes. Furthermore, less than one block to the west is a large middle school. For these reasons staff does not believe that allowing a charter school in this location will endanger the public.

- 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Allowing a charter school in the building would have no significant impact on the building's use of facilities and utilities. Some changes will be made to bring the school use in compliance with the building and fire codes, including sprinkler and fire alarm improvements. Adequate utilities, access roads, drainage, and other facilities are provided.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The existing parking lot meets the parking space and aisle dimensions set forth in Table 541-4. The parking lot is served by two curb cuts off 25th Ave N that allow only one-way traffic in the parking lot. The applicant is not providing the amount of parking required by Chapter 541 of the zoning code, and the impact of that request will be evaluated in the variance findings below.

5. Is consistent with the applicable policies of the comprehensive plan.

The proposed use does not appear to conflict with any policies of *The Minneapolis Plan*.

According to other principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

The Minneapolis Plan, Chapter 5.3 states: “Minneapolis will encourage the further development of community connections to public schools.” This section includes the implementation step to “continue to explore solutions to space shortages and an increased student population with local businesses, cultural institutions and other participating organizations.” The MNIC program of connecting students with work in the community helps meet this implementation step.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

In addition to the Conditional Use Permit, the applicant is requesting a minimum lot area variance and a parking variance. The applicant must also comply with the following specific development standards found in Chapter 536.20:

School, grades K--12.

- (1) The use shall include a regular course of study accredited by the State of Minnesota.
- (2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (3) An appropriate transition area between the facility and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

Finally, the request for a CUP and the request for a parking-related variance trigger a design and maintenance review of the site. Because the area between the parking and the property line has not been landscaped in accordance with the approvals received in 2000, and fencing required at that time has also not been provided, staff is recommending as a condition of approval that the applicant complete all the landscaping and screening improvements shown on the final plan submitted on August 31, 2001 related to NCE-27 and V-309.

VARIANCE – to reduce the minimum lot size from 20,000 square feet to 15,691 square feet.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The property could not be used as a school under the conditions allowed. Small charter schools such as MNIC provide an alternative to traditional high schools and remain small to help them succeed. The smaller number of students means that smaller buildings are required and lot sizes are not always 20,000 square feet or greater.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The applicant is not responsible for the size of the property. Section 525.520 of the zoning code permits lot area requirements to be varied up to 30%. The applicant is requesting a variance of 22%.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The minimum lot requirement for schools is to ensure adequate space for a use that can traditionally serve hundreds and even thousands of students. The small size of the MNIC program is such that allowing this variance will not compromise the spirit and intent of the ordinance. The building's location on a corner and near a large school indicates that its use as a charter school would not alter the essential character of the area or hurt the use or enjoyment of other properties.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed project will have no impact on street congestion, danger of fire, or public welfare and safety. As mentioned before, sprinkler and fire alarm upgrades are planned.

VARIANCE – to reduce the required on-site parking from 35 to 18 spaces.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The existing office use has a parking requirement of 47 parking spaces. The building has never been residential and it is unlikely that any commercial use in the building would require less than the provided 18 spaces.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The applicant did not create the parking layout or building size. The parking lot has been configured to maximize parking.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The students served by MNIC are not likely to own vehicles and very unlikely to drive to school. Twenty of the 35 required stalls are calculated based on the number of students. With students unlikely to drive, these spaces are likely not necessary.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed project should have no impact on street congestion, danger of fire, or public welfare and safety. Fremont Ave N is served by transit and few if any students will drive to school. Furthermore, students are only in the school proper for half the day.

RECOMMENDATION:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow the Minnesota Internship Center Charter School to locate in the existing building at 2507 Fremont Ave N, subject to the following conditions:

1. The applicant will meet the specific development requirements for K-12 schools in section 536.20 of the zoning code.
2. Improvements to the site shown on the approved site plan dated August 31, 2001 related to applications NCE-27 and V-309 will be completed.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum lot size from 20,000 square feet to 15,691 square feet to allow the Minnesota Internship Center Charter School to locate in the existing building at 2507 Fremont Ave N.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required on-site parking from 35 to 18 spaces at 2507 Fremont Ave N.

Attachments:

1. Statement of use
2. Findings
3. Staff Report for NCE-27 & V-309
4. Correspondence
5. Site Plan, Floor Plans, Elevations, & Zoning map
6. Photos