



Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Revised

Date: May 3, 2007

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Appeal of the decision of the City Planning Commission regarding the proposed Prairie Seeds Academy Located at the Property of 1801 Dupont Ave N

Recommendation: The following action was taken by the Planning Commission on November 27, 2006 (BZZ-3308):

A. Conditional Use Permit: Application by Ger Cha Yang, on behalf of PSA Building Company, for a conditional use permit to allow a K-12 school at 1801 Dupont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow a K-12 school located at the property of 1801 Dupont Ave N, subject to the following condition:

1. Unloading and loading of children from passenger vehicles in the alley shall be prohibited.

B. Conditional Use Permit: Application by Ger Cha Yang, on behalf of PSA Building Company, for a conditional use permit to increase the maximum allowed height of a building from 2.5 stories to 3 stories and 35 feet to 39 feet for property located at 1801 Dupont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to increase the maximum allowed height of a building from 2.5 stories to 3 stories and from 35 feet to 39 feet for a K-12 school located at the property of 1801 Dupont Ave N.

C. Variance: Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to increase the maximum floor area ratio from 0.5 to 1.13 for property located at 1801 Dupont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to increase the maximum floor area ratio from 0.5 to 1.13 for the property located at 1801 Dupont Ave N.

D. Variance: Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to reduce the front yard requirement along Dupont Ave N from 22.5 feet to 20 feet to allow a parking area for property located at 1801 Dupont Ave N.

Action: The City Planning Commission adopted the findings and **denied** the variance to reduce the front yard requirement along Dupont Ave from 22.5 feet to 20 feet to allow a parking area for the property located at 1801 Dupont Ave N.

E. Variance: Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to reduce the rear yard requirement adjacent to the alley from 5 feet to 0 feet to allow a loading area for property located at 1801 Dupont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the rear yard requirement along the alley from 5 feet to 0 feet to allow a loading area for the property located at 1801 Dupont Ave N.

F. Variance: Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to reduce the loading space requirement from 1 to 0 for property located at 1801 Dupont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the minimum loading requirement from 1 space to 0 spaces for the property located at 1801 Dupont Ave N.

G. Site Plan Review: Application by Ger Cha Yang, on behalf of PSA Building Company, for a site plan review for property located at 1801 Dupont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the site plan to allow a K-12 school located at the property of 1801 Dupont Ave N, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site, landscape and lighting plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 27, 2007, or the permit may be revoked for non-compliance.
3. The entrance facing Dupont Ave N shall be clearly defined and emphasized through the use of additional architectural features such as roofs or other details that express the importance of the entrance.
4. Additional windows or other architectural elements shall be provided on the exterior gym elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code.
5. Ten percent of the first and second floor walls of the gym that face the playground and parking area shall contain windows as required by section 530.120 of the zoning code.

6. All required windows shall have a visible light transmittance greater than 0.6 as required by section 530.120 of the zoning code.
7. Vehicular alley access from the parking area shall be prohibited as required by section 530.150 of the zoning code.
8. Screening that complies with section 530.170 of the zoning code shall be provided between the parking area and the street and the adjacent residence.
9. Architectural elements or landscaping with a vertical emphasis shall be provided along the masonry wall adjacent to the playground to prevent graffiti.

Ward: 5

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Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The Near-North neighborhood was notified of the applications.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On December 4, 2006, staff sent a letter to the applicant extending the 60 day decision period to no later than March 3, 2007. However, the applicant and the appellant both agreed to extend the decision making period up to May 21, 2007.

Supporting Information

Brian Bushay has filed an appeal of the decision of the City Planning Commission approving the conditional use permits, variances and site plan review applications to allow a new K-8 grade school located at the property of 1801 Dupont Ave N. At its meeting of November 27, 2006, the City Planning Commission voted 6-0 to approve all of the applications, except for one variance. The Commission voted 6-0 to deny the front yard variance to allow a parking area. The appeal (attached) was filed on December 4, 2006.

Revised plans for the Prairie Seeds Academy were submitted by the applicant (see attached). The revisions include relocating the play area to the roof above the second floor, enlarging the footprint of the building, and increasing the amount of impervious surface. The increase in impervious surface requires a variance. Therefore, the applicant must return to the Planning Commission to obtain approval of the variance before the plan can be implemented. A final Travel Demand Management Plan has also been submitted. It addresses how busses and student pick-up and drop-off. When this memo was written, the applicant had not submitted reuse plan for church building at 1800 Dupont Ave N.