

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit and Variance  
BZZ-3706

**Date:** August 27, 2007

**Applicant:** Paul Bauknight

**Address of Property:** 2600 38<sup>th</sup> Street East

**Project Name:** Friendship Academy

**Contact Person and Phone:** Paul Bauknight, (612) 374-6106

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** August 1, 2007

**End of 60-Day Decision Period:** September 30, 2007

**Ward:** 9      **Neighborhood Organization:** Standish-Ericsson Neighborhood Organization

**Existing Zoning:** R1A Single Family District and PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 27

**Lot area:** 19,939 square feet

**Proposed Use:** Charter School serving grades K-6

**Concurrent Review:**

- A Conditional Use Permit to allow a Charter School in the R1A Single Family District
- A variance to reduce the minimum lot area requirement from 20,000 square feet to 19,939 square feet in order to allow for a Charter School in the R1A Single Family District

**Applicable zoning code provisions:** Chapter 525: Article VII Conditional Use Permits, Chapter 525, Article IX, Variances, and 525.520(2) “to vary the lot area or lot width requirements.”

**Background:** The Friendship Academy Charter School is an existing K-6 school, currently located at the Sabathani Center. The Charter School is proposing to relocate to the Greater Friendship Missionary Baptist Church at 2600 East 38<sup>th</sup> Street. The Greater Friendship Missionary Baptist Church is 13,482 square foot building. The Friendship Academy Charter School proposes to utilize seven existing classrooms inside the church in the lower level of the north building. The applicants have stated that there will be approximately 140 students.

A school in the R1A district requires a conditional use permit. Previous approvals for a variance to allow for a parking area, adjacent to the school, to encroach into the front yard setback off of 26<sup>th</sup> Avenue South was granted in 1987 by the Board of Adjustment with conditions related to the landscaping and screening. Staff understands, from the neighborhood organization, that the majority of screening was completed; however, a portion near the alley was not. Staff does not have any records of violations related to the approved plan.

The minimum lot area requirement for a K-12 school in the R1A District is 20,000 square feet. The existing property is 19,939 square feet; in addition to applying for the conditional use permit to allow for the Charter School, a variance has been submitted to reduce the lot area requirement.

Staff has received written comments from the Standish-Ericcson Neighborhood Association; they are attached to the staff report.

### **CONDITIONAL USE PERMIT -**

#### **Required Findings for the Conditional Use Permit to allow for a K-6 School in the R1A District:**

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

The place of assembly was constructed in 1938 with a large addition to allow for classrooms in 1952. The proposed charter school will occupy seven of the existing classrooms from the previous addition. There is no indication that the space used for school purposes would be detrimental to the public in any way.

- 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.**

There are no proposed changes to the structure; therefore, there should not be any significant impact on the surrounding property. Allowing a school within an existing place of assembly should not impede normal or orderly development nearby. The two uses, the existing place of assembly and the proposed charter school, will likely occur at opposite times during the week and share use of the existing parking facility, which should not increase the amount of traffic to the site. In addition, the applicant will be working with Public Works' School Pedestrian Safety Program and Safe Routes to School.

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

Allowing a charter school in an existing building would not have significant impact on the building's use of facilities and utilities. 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 subject property is located within the 38<sup>th</sup> Street LRT Station Pedestrian Oriented Overlay District. The minimum off-street parking requirement shall be seventy-five (75) percent of the number of specified in Chapter 541, Off-Street Parking and Loading. The parking requirement for a School, grades K-12 is 1 space per classroom and other rooms used by students and faculty + 1 space per 5 driving-aged students based on the maximum number of students attending at any one (1) time. The parking requirement for the K-6 Charter School, where there are no students of driving age, is 7 spaces. Seventy-five percent of the required parking spaces equal 6 spaces. There are 7 off-street parking spaces available for shared parking with the place of assembly during the hours of operation of the Charter School, based on the Shared Parking Calculations Table in Chapter 541. In addition, the PO District also has a bicycle parking requirement of two (2) bicycle parking spaces. Staff believes that the addition of the bicycle parking spaces will also help to minimize traffic congestion of the public streets.

The existing parking lot of nine spaces meets the parking space and aisle dimensions set forth in Table 541-4. The number of off-street parking spaces required for a place of assembly is 30% of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or video unity. The place of assembly and 1952 addition were constructed prior to the parking requirements set forth in the 1924 Zoning Ordinance.

In addition, the applicant will be working with Public Works' School Pedestrian Safety Program and Safe Routes to School.

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

The proposed use is in conformance with the policies of *The Minneapolis Plan*.

*The Minneapolis Plan*, has the following applicable policies:

*The Minneapolis Plan*, Chapter 1.2 states: "Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods." One of the implementation plans for this section of the plan is to "encourage not-for-profit and places of worship to increase resident access to and use of facilities and meeting places." The proposed Charter School plans on sharing the classrooms and other common space with the Greater Friendship Missionary Baptist Church.

*The Minneapolis Plan*, Chapter 1.3 states: "Minneapolis will encourage public institutions to coordinate their programming and facilities in order to function as neighborhood centers." One of the implementation plans for this section of the plan is to "expand collaborative planning for programming and facilities-sharing agreements among colleges, early childhood and K-12 schools, libraries and parks." While the existing building is a place of assembly, the proposed Charter School plans on sharing the classrooms and other common space.

*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 existing place of assembly clearly indicates a community connection with the proposed Charter School.

**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.

The proposed project complies with the stated development standards.

**VARIANCE – to reduce the minimum lot size from 20,000 square feet to 19,939 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. Charter schools, such as Friendship Academy, tend to be smaller than traditional schools. 20,000 square feet or greater of lot area are not necessary for these smaller facilities.

- 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 less than one percent.

- 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 large numbers of students. The small size of the Friendship Academy program is such that allowing this variance will not compromise the spirit and intent of the ordinance.

- 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 likely have no impact on street congestion; the existing place of assembly and the proposed charter school will likely occur at opposite times during the week and share use of the existing parking facility, which should not increase the amount of traffic to the site. The proposed project will not likely increase the danger of fire, or public welfare and safety. In addition, the applicant will be working with Public Works' School Pedestrian Safety Program and Safe Routes to School.

### **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 Friendship Academy Charter School to locate in the existing building at 2600 East 38<sup>th</sup> Street, 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. Bicycle racks shall be provided to accommodate no fewer than four (4) bicycles on the property. The bicycle parking may be located in the public right-of-way with permission of the city engineer.
3. The Community Planning and Economic Development Planning Division shall review and approve the final site, landscaping, and elevation plans.
4. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**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 19,939 square feet to allow the Friendship Academy Charter School to locate in the existing building at 2600 East 38<sup>th</sup> Street.

**Attachments:**

1. Statement of use and Findings
2. Copy of an e-mail sent July 12, 2007, to CM Schiff and SENA
3. Copy of a letter from SENA
4. Correspondence from Public Works regarding the buses
5. Zoning map
6. Site Plan and Floor Plans
7. Photos