

**Department of Community Planning and Economic Development – Planning  
Division  
Conditional Use Permit  
BZZ-4570**

**Date:** October 26, 2009

**Applicant:** Minnehaha Center LLC, Attn: Quenton Scherer, P.O. Box 967, Lakeville, MN 55044, (952)469-4800

**Address of Property:** 2510 East Lake Street

**Project Name:** Minnesota Transitions Schools (MTS) Charter Schools

**Contact Person and Phone:** Reprise Design, Inc., Attn: Richard Lavelle, 12400 Portland Avenue South, Suite 100, Portland Corporate Center, Burnsville, MN 55337, (952)252-4042

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** September 24, 2009

**End of 60-Day Decision Period:** November 22, 2009

**End of 120-Day Decision Period:** Not applicable

**Ward:** 9    **Neighborhood Organization:** Longfellow Community Council, East Phillips Improvement Coalition, Corcoran Neighborhood Organization and Seward Neighborhood Group

**Existing Zoning:** C3S (Community Shopping Center) District, PO (Pedestrian Overlay) District

**Proposed Zoning:** Not applicable

**Zoning Plate Number:** 27

**Lot Area:** 463,025 square feet or 10.63 acres

**Legal Description:** Not applicable for this application

**Proposed Use:** Amend conditional use permit to allow for the expansion of an existing charter school.

**Concurrent Review:**

- Application to amend an existing Conditional Use Permit for the interior expansion of the existing Minnesota Transitions Schools (MTS) Charter Schools within the Minnehaha Center on the property located at 2510 East Lake Street.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits and Chapter 536, Specific Development Standards.

**Background:** Reprise Design, Inc., on behalf of Minnehaha Center, LLC, and Minnesota Transitions Schools (MTS) Charter Schools has made an application to amend the existing conditional use permit for a K-12 charter school expansion within the shopping center located on the property at 2510 East Lake Street. The applicant proposes to expand the existing use from the authorized square footage as approved under the conditional use permit of approximately 61,000 square feet up to approximately 109,000 square feet. In error, an administrative approval in 2005 allowed for an expansion of approximately 9,250 square feet. The 2005 expansion should have triggered a conditional use permit. The school currently occupies 70,786 square feet and the applicant is attempting to rectify the 2005 administrative approval as well as expand the school for a working sound studio and classroom for media based curriculum into an adjacent 5,590 square foot retail space. The immediate expansion plans would total 76,376 square feet. The retail stores remaining in the mall after this expansion would be Radio Shack (1,860 square feet), Dollar Tree (10,378 square feet), To New York (11,012 square feet) and China Buffet (9,374 square feet).

The applicant is also requesting approval for the future expansion of the school into the remainder of the adjacent retail spaces within the Minnehaha Mall building (excluding Target). The further expansion would result in the elimination of some or all of the remaining retail spaces and could potentially total an additional 32,624 square feet for a potential MTS build-out of up to 109,000 square feet. The applicant has requested that the approval for the build-out of the school be open-ended. As is standard City policy, the applicant will be required to complete the proposed school expansion within one year of approval unless granted an additional one year extension by the Zoning Administrator. No extension beyond the one year Zoning Administrator extension can be granted; the approvals for the school expansion cannot be open-ended.

The MTS Charter Schools have occupied the existing facility since 2001 and the school facilitates grades K-12. Schools, grades K-12 require a conditional use permit in all of the commercial districts and are also required to meet specific development standards. MTS Charter Schools were founded as part of the state wide charter school movement. The intention was to serve the greater Minneapolis area with alternative schooling options for elementary, middle school, and high school students. The MTS Charter School system consists of several smaller schools including: the Leadership Academy which has a total of 175 students, and consists of Banaadir Academy (grades K-8) with 125 students and ROTC Academy (grades 9-12) with 50 students; Alternative High School (grades 9-12) which has a total of 320 students and the Independent Study High

School (grades 10-12) with a total of 75 students. There are also a total of 60 staff personnel as well.

Staff did not receive a formal response from the Longfellow Community Council or any adjacent neighborhood groups prior to the printing of this report. Any correspondence received after the printing of this report will be forwarded on to the Planning Commission for consideration.

**CONDITIONAL USE PERMIT** – to allow for the interior expansion of an existing charter school.

**Findings as Required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

A portion of the shopping center has been occupied by MTS Charter Schools since 2001. The continued use and interior expansion of the school should not have any negative impacts on the area and will not be detrimental or endanger the public health, safety comfort or general welfare. The adaptive re-use of the shopping mall provides a stabilizing impact for the area.

**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.**

The surrounding area is fully developed. The majority of the building is currently used by MTS Charter Schools. The continued use of the site as a school use is appropriate for the area and will not negatively impact the adjacent uses within the building or area.

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

The utilities, access roads, and drainage are existing and adequate.

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

The building has sufficient on site parking. A total of 466 off-street parking spaces are exclusive dedicated to the Minnehaha Center (411 are allocated to Target and Cub Foods has 207 off-street parking spaces). No additional parking is required with the expansion

of the use as sufficient parking already exists. Further, the subject site is in close proximity to the LRT line and is served by numerous bus lines.

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

*The Minneapolis Plan for Sustainable Growth*, designates this part of East Lake Street (Lake Street and Midtown) as Transit Station Area (TSA). Further, East Lake Street is a designated Commercial Corridor, the general area is identified as an Activity Center and the shopping center is identified as a Major Retail Center. The plan has the following relevant policy and implementation steps for the proposal:

- Land Use Policy 1.4 of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation step: (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level”.

The subject site is also within the boundaries of two small area plans. One is the Hiawatha/Lake Street Station Area Master Plan which was adopted by the City Council in 2001 and the other is the Seward and Longfellow Greenway Area Land Use and Pre-Development Study which was adopted by the City Council in 2007.

The Hiawatha/Lake Street Station Area Master Plan was the first in a series of long-range studies being completed for transit-oriented development (TOD) around Hiawatha LRT station sites. The area of study incorporated portions of various neighborhoods including the Longfellow Community. The plan focused on land uses, urban design, public infrastructure, and amenities located within a 1/2-mile of the station. The plan identifies the Minnehaha Mall site as mixed-use with the potential for infill development along the street frontages.

The Seward and Longfellow Greenway Area Land Use and Pre-Development Study suggests policy direction for land use and development along Phase 3 of the Midtown Greenway. This study evaluates the long-term viability and appropriateness of existing land uses along the corridor, includes a land use plan for future uses, and explores particular development concepts for selected opportunity sites. The plan identifies the Minnehaha Mall site as future mixed-use, accommodating transit-oriented development (apartments, tall apartments and greenway buildings). The plan further encourages infill development integrating ground level commercial with residential uses located on the above stories.

While the current proposal does not include any on-site physical expansions or structural alterations that would result in new infill development, the proposal to expand the use

within the existing structure is supported by the Comprehensive Plan policy listed above. The City encourages future infill mixed-use development on the subject site as outlined in the above listed small area plans.

**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.**

With the approval of the conditional use permit and compliance with the applicable specific development standards, this development would be in conformance with the applicable regulations of the zoning code.

Chapter 536 Specific Development Standards has the following requirements for a 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 applicant is aware of and will meet all the above listed conditions as applicable.

**RECOMMENDATIONS:**

**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 conditional use permit application for a school, grades K-12 on the property located at 2510 East Lake Street subject to the following conditions:

1. 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.
2. The use is subject to the specific development standards for a school, grades K-12 listed in Chapter 536 of the zoning code.
3. The proposed school expansion shall be completed by October 26, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of use and description of project
2. Findings for the Conditional Use Permit application
3. Correspondence – CM Schiff, applicable neighborhood groups
4. Zoning map
5. Plans – Site, Floor plans
6. Photos of site