

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-4836

**Date:** July 19, 2010

**Applicant:** Brad Linville with Project for Pride in Living

**Addresses of Property:** 1925 Nicollet Avenue

**Project Name:** Loring Nicollet Center

**Contact Person and Phone:** Paul Mellblom with MS&R, (612) 375-0336

**Planning Staff and Phone:** Hilary Dvorak, (612) 673-2639

**Date Application Deemed Complete:** June 16, 2010

**End of 60-Day Decision Period:** August 15, 2010

**End of 120-Day Decision Period:** Not applicable for this application.

**Ward:** 6      **Neighborhood Organization:** Stevens Square Community Association

**Existing Zoning:** C2, Neighborhood Corridor Commercial District and PO, Pedestrian Oriented Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 20

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

**Proposed Use:** School, grades 7 through 12

**Concurrent Review:**

**Conditional use permit:** for a modification to a conditional use permit that was issued in 1986 to allow for an expansion of an existing school, which will add more classrooms and more students for the property located at 1925 Nicollet Avenue.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits.

**Background:** In 1986 the Minneapolis City Council approved a conditional use permit for an alternative high school located at 1925 Nicollet Avenue. There were four conditions placed on the approval. The conditions were that there be no more than 50 students, that the operational hours of the school be from 9 am until 3 pm, that a neighborhood business representative serve on the Board of Advisory Committee

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and that there be an annual review of the facility with a neighborhood tour of said facility upon completion of the renovation. Today the applicant is requesting a modification to the conditional use permit to allow for an expansion of the school. The expansion will not only occupy more space within the building but will also increase the number of students from 50 to 85. The school is also requesting to operate from 8 am until 8 pm, Monday through Friday. These hours of operation comply with the hours of operation in the C2 zoning district.

As for the remaining two conditions of approval from 1986 the applicant wishes to eliminate them from the conditional use permit altogether. The two conditions of approval are that a neighborhood business representative serve on the Board of Advisory Committee and that there be an annual review of the facility with a neighborhood tour of said facility upon completion of the renovation. It should be noted that the school has complied with both of these conditions of approval since 1986. A member of Plymouth Congregational church is on the Board of Directors and other community members are “at large” members on the Board of Directors. And after the school was opened there was a tour of the facility for the public. There was also an annual review of the facility for the first couple of years after the school opened, but according to the applicant there was no effort on the part of the neighborhood or neighborhood group to annually review the facility. Please note that the Stevens Square Community Organization has their offices located in this building. The approval of this conditional use permit eliminates these two conditions of approval from 1986.

In 1970 Plymouth Congregational Church founded the Loring Nicollet Bethlehem Community Center located at 1920 Pillsbury Avenue. The community center was both an alternative school for grades 9 through 12 and an adult education center. In 1986 Plymouth Congregational Church applied for a conditional use permit to move the school and the adult education center to the current location on Nicollet Avenue. The adult education center occupied the first floor of the building and the school occupied the second floor of the building. In 2008 the Loring Nicollet Bethlehem Community Center and Project for Pride in Living (PPL) merged. As a result of the merger the adult education center was moved to PPL’s Learning Center on Chicago Avenue leaving the first floor of the building almost completely vacant.

Today the applicant is requesting an expansion to add grades 7 and 8 to the school. The number of students in grades 7 and 8 will be 30 and the number of students in grades 9 through 12 will increase from 50 to 55 for a total of 85 students. The classrooms for the 7<sup>th</sup> and 8<sup>th</sup> grades will be located on the first floor and the classrooms for grades 9 through 12 will remain on the second floor.

The Planning Division has been informed by Plan Review Staff that the building is reaching its maximum occupancy in its current configuration. If there were to be more than 100 people in the building the width of the hallways would need to be increased. Since the occupancy of the building is nearing its capacity the Planning Division is conditioning the approval of this conditional use permit.

**CONDITIONAL USE PERMIT:** for a modification to a conditional use permit that was issued in 1986 to allow for an expansion of an existing school, which will add more classrooms and more students.

**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:

**1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that approving a modification to a conditional use permit that was issued in 1986 to allow for an expansion of an existing school, which will add more classrooms and more students would be detrimental to or endanger the public health, safety, comfort or general welfare. The expansion of the school will be confined within the footprint of the existing building. The expansion will add an additional four classrooms to the first floor of the building for up to 30 7<sup>th</sup> and 8<sup>th</sup> grade students. In addition, there will be five students added to the 9 through 12 grades which occupy a total of five classrooms on the second floor of the building.

**2. The conditional use 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 Planning Division does not believe that approving a modification to a conditional use permit that was issued in 1986 to allow for an expansion of an existing school, which will add more classrooms and more students will 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 school has operated at this location since 1986. The Planning Division is not aware of any problems that the school has encountered with the surrounding neighborhood, businesses or residents.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for the school is one space per classroom plus one space per every five students of driving age. There are a total of nine classrooms in the building and the applicant has estimated that there are upwards of 35 students of driving age in attendance at the school. This yields a parking requirement of 16 parking spaces. There are a total of 22 parking spaces on site and the school leases an additional 11 parking spaces in an adjacent parking lot from Plymouth Congregational Church. The school does not provide transportation for the students. The applicant has indicated that the majority of the students either walk or take public transportation to and from school as 75 percent of the students live in Stevens Square or one of the other surrounding neighborhoods. Overall, the applicant has indicated that less than ten percent of the students drive to school on a daily basis.

**5. The conditional use is consistent with the applicable policies of the comprehensive plan.**

The site is located on Nicollet Avenue just north of East Franklin Avenue. Both Nicollet Avenue and East Franklin Avenue are designated as Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as mixed-use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support the efforts of public and private institutions to provide a wide range of educational choices for Minneapolis students and residents throughout the city (Public Services and Facilities Policy 5.2).
- Work with institutions to ensure that school facilities are safe, accessible, and functionally appropriate for a diverse array of educational programs (Implementation Step for Public Services and Facilities Policy 5.2).
- Encourage the use of public transportation as a means of connecting students to educational opportunities throughout the city (Implementation Step for Public Services and Facilities Policy 5.2).

The Planning Division believes that modifying the conditional use permit that was issued in 1986 to allow for an expansion of an existing school which will add more classrooms and more students is in compliance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

The *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* small area plan was adopted by the Minneapolis City Council in May of 2000. In the plan there is a general concern about the over concentration of schools and social service uses along Nicollet Avenue between Grant Street and East 29<sup>th</sup> Street. The concern stems from the fact that this portion of Nicollet Avenue is known as “Eat Street” and is supposed to be an area full of ethnic restaurants, grocery stores and entertainment venues. The recommendations in the plan say to “address issues resulting from the placement and operation of alternative schools”, “initiate discussions with School Board officials” and “consider establishing a review process of spacing limits for schools and social service uses”. Although the Loring Nicollet Center is proposing to expand its operations by occupying more space within the building and by increasing the number of students the building is not physically being expanded and this school has been operating at this location since 1986. For these reasons the Planning Division believes that the proposed project is in conformance with the policies of the *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* small area plan.

**6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.**

- **Use:** Schools, grades K-12 are a conditional use in the C2 zoning district.
- **Off-Street Parking and Loading:**

**Minimum automobile parking requirement:** The minimum parking requirement for a school is one space per classroom plus one space per every five students of driving age. There are a

total of nine classrooms in the building and the applicant has estimated that there are upwards of 35 students of driving age in attendance at the school. This yields a parking requirement of 16 parking spaces. There are a total of 22 parking spaces on site and the school leases an additional 11 parking spaces in an adjacent parking lot from Plymouth Congregational Church.

**Maximum automobile parking requirement:** The maximum parking requirement for a school is one space per classroom plus one space per every five students of driving age. There are a total of nine classrooms in the building and the applicant has estimated that there are upwards of 35 students of driving age in attendance at the school. This yields a parking requirement of 21 parking spaces. There are a total of 22 parking spaces on site and the school leases an additional 11 parking spaces in an adjacent parking lot from Plymouth Congregational Church.

**Bicycle parking requirement:** The bicycle parking requirement for a school is three spaces per every classroom. There are a total of nine classrooms in the building. This yields a bicycle parking requirement of 27 spaces.

Existing buildings have grandfathered rights from the bicycle parking requirements. However, for uses that are intensified the bicycle parking requirement for the intensification needs to be provided. In this case the intensification is a total of four classrooms, which has a bicycle parking requirement of 12 spaces. Currently there are a total of five bicycle parking spaces on the site. The applicant is proposing to install an additional 12 bicycle parking spaces on the site. The bike rack will be located in one of the corners of the parking lot near Nicollet Avenue.

**Loading:** There is no loading requirement for a school that is smaller than 20,000 square feet. However, for uses that do not meet the minimum size requirement for loading requirement purposes they shall provide an adequate shipping and receiving facility that is accessible by motor vehicle and located off of an adjacent alley, service drive or open space on the same zoning lot. The applicant has indicated that delivery trucks either park on Nicollet Avenue or in the parking lot as all deliveries have to go through the front of the building.

- **Maximum Floor Area:** No changes are proposed to the size of the building.
- **Building Height:** No changes are proposed to the height of the building.
- **Minimum Lot Area:** No changes are proposed to the size of the lot.
- **Yard Requirements:** No changes are proposed to setbacks.
- **Maximum lot coverage:** No changes are proposed to the size of the building.
- **Maximum impervious surface:** No changes are proposed to the amount of impervious surface on the site.
- **Specific Development Standards:** Schools, grades K-12 are subject to specific development standards.

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- (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 development complies with these specific development standards.

- **Hours of Operation:** The hours of operation for the C2 zoning district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the school will be open from 8 am until 8 pm, Monday through Friday.
- **Signs:** No changes are proposed to modify the existing signs.
- **Refuse storage:** The refuse and recycling containers are currently located along the south side of the building near the alley. To meet the requirements of the zoning code the refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The Planning Division is recommending that the refuse and recycling containers be enclosed per these standards.
- **Lighting:** Lighting exists at the site.

**RECOMMENDATIONS:**

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the modification to a conditional use permit that was issued in 1986 to allow for an expansion of an existing school which will add more classrooms and more students for the property located at 1925 Nicollet Avenue 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 school shall be allowed to operate within the hours permitted for the C2 zoning district, in accordance with Section 548.300 of the zoning code.

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3. The approval of this modification to the conditional use permit from 1986 eliminates the conditions of approval that required a neighborhood business representative serve on the Board of Advisory Committee and that there be an annual review of the facility with a neighborhood tour of said facility upon completion of the renovation.
4. Any future modification to the conditional use permit in terms of increasing the occupant load will require Plan Review and a building permit.
5. There shall be an additional 12 bicycle parking spaces provided on the site. The bike rack shall be located in one of the corners of the parking lot near Nicollet Avenue. The applicant shall submit information a detail sheet about the bike rack for review by the Planning Division.
6. The Planning Division is recommending that the refuse and recycling containers be enclosed per these standards as required by section 535.80 of the zoning code.

**Attachments:**

1. Statement of proposed use
2. Responses to the conditional use permit findings
3. Description of the school from the PPL website
4. City Council actions from 1986 for the approval of the original Conditional Use Permit
5. June 16, 2010, letters to Council Member Lilligren and the Stevens Square Community Organization
6. Zoning map
7. Site plan and floor plans
8. Photos of the site