

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5761

Date: October 1, 2012

Applicant: Minneapolis Public Schools

Address of Property: 3733 43rd Avenue South

Project Name: Howe Elementary School Renovation

Contact Person and Phone: Paul G. May, Miller Dunwiddie Architecture, (612) 278-7712

Planning Staff and Phone: Aly Pennucci, (612) 673-5342

Date Application Deemed Complete: September 3, 2012

End of 60-Day Decision Period: November 2, 2012

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

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1A Single Family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 28

Legal Description: Lots 1, 2, 3, 4, 5, and 6, Block 2, BRUCE PLACE 2ND ADDITION TO SEVEN OAKS, MINNEAPOLIS, MINNESOTA, according to the recorded plat thereof, Hennepin County, Minnesota.

AND

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block 6, LEONORA PARK ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota.

Proposed Use: School, grades K-12

Concurrent Review:

Conditional Use Permit: for a school, grades K-12

Variance: to reduce the required front yard from 20 feet to 0 feet to reestablish an accessory play area with recreational play equipment

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 548 Commercial Districts; Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”

Background: Howe School was a longstanding community school facility serving the area from 1927 until 2005, when it was closed. The school, parking area and outdoor play areas cover the entire block. Since the Howe School building closed in 2005, it has been unoccupied and, for the past two to three years, has had the heat turned off. Minneapolis Public Schools (MPS) proposes to renovate and re-open Howe School in the fall of 2013 to serve a student population in grades 3, 4 and 5. The planned maximum capacity is 285 students. MPS anticipates enrolling approximately 150 students when it reopens in the fall of 2013.

In the R1A district a school, grades K-12, is a conditional use. Because the Howe school has been closed for more than one year a conditional use permit is required to re-establish a school at this location. MPS has also proposed re-establishing a play area with recreational play equipment in the location where the previous playground was located. The previous and proposed play area is located less than one foot from the east property line. Recreational play equipment is not a permitted obstruction in a required yard. The zoning code requires that this equipment be located a minimum of 20 feet from this property line. The curbing delineating the previous play area still exists. Because this is where the play equipment was located previously the applicants have requested a variance to re-establish the play area with recreational play equipment in the required front yard. The existing benches located in a required yard can remain.

As of the writing of this report staff has not received comments from the Longfellow Community Council. Staff did receive letters in support of the requested conditional use permit and variance and letters opposing the variance. Any additional comments, if received, will be forwarded to the Planning Commission.

CONDITIONAL USE PERMIT: for a school, grades K-12

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 below 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.**

The Planning Division does not believe that the school will be detrimental to or endanger the public health, safety, comfort or general welfare. The Howe School closed in 2005 and has been vacant since that time. Several proposals to redevelop the site and/or reuse the building have been discussed for this site since the school closed but nothing has moved forward. The MPS has identified a need to re-establish a school at this location which will bring the site back into active operation and will preserve the existing building that has been identified as a potential historic

resource. The applicants will repair and improve the existing structure and reconfigure the surface parking area. No additions or major changes to the site are proposed.

- 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 Planning Division does not believe that allowing a school to be re-established within the existing building would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. The subject site has historically been used as a school and re-opening the school will allow for the needed repairs and maintenance of the site. Neighboring properties will also be positively impacted by improvements to the parking area in terms of circulation, landscaping and screening.

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

The site is served by existing utility infrastructure. The surface parking lot is being reconfigured to provide required landscaping and screening and to improve onsite circulation. The Public Works Department reviewed this project through the PDR process, and the applicant has been made aware of the site requirements.

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

The entrance to the parking area is not in close proximity to the intersections along 43rd Avenue South. The off-street parking spaces meet the City requirements for number of spaces, dimensions of spaces, drive aisles, and landscaping and screening. Bus loading and unloading will be re-established along 43rd and 44th Avenues South. A school, grades K-12, has an off-street parking requirement of 1 space per classroom + 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one (1) time. The proposal includes 15 classrooms and no students of legal driving age, resulting in a parking requirement of 15 spaces; 16 parking spaces will be provided. The minimum number of bicycle parking spaces for a school is 3 spaces per classroom resulting in a minimum requirement of 45 bicycle parking spaces for this use. The site plan shows 2 proposed bike racks. As a condition of approval a minimum of 45 bicycle parking spaces must be provided.

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

The site is designated as urban neighborhood in the *Minneapolis Plan for Sustainable Growth*. Urban Neighborhood guidance indicates an area that is predominantly residential. These areas may include some other uses, including neighborhood-serving semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.). The following policies of the Comprehensive Plan apply to this project and this site:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5.1.1 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood-serving commercial uses, open space and parks, and campus and institutional uses.

Public Services and Facilities Policy 5.1: Coordinate facility planning among city departments and public institutions.

5.1.1 Encourage communication and coordination among city departments, Hennepin County, Minneapolis Park and Recreation Board, and Minneapolis Public Schools to share use of facilities.

5.1.2 Explore opportunities for co-location of public services where appropriate.

5.1.4 Develop cooperative programming that takes advantage of the resources and missions of various public institutions.

Public Services and Facilities Policy 5.2: Support the efforts of public and private institutions to provide a wide range of educational choices for Minneapolis students and residents throughout the city.

5.2.1 Work with institutions to ensure that school facilities are safe, accessible, and functionally appropriate for a diverse array of educational programs.

Staff finds that the conditional use permit to allow a school, grades K-12, is in conformance with the policies outlined above from the comprehensive plan.

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.

Conformance with all regulations applicable to the district requires approval of the conditional use permit to re-establish the school and the variance to locate recreational play equipment in a required yard. MPS is proposing to install a six (6) foot tall chain link fence along that portion of 44th Avenue South that would be adjacent to the play equipment. A six foot tall fence is not permitted in a required front yard. Fences located in the required front yard shall not exceed

three (3) feet in height. The maximum fence height may be increased by one (1) foot if constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque. If chain link fencing material is used it must be vinyl-coated chain link. This fence will help to define the play area and deter play activity spilling over into the public sidewalk. If the proposed development meets these requirements it will be in conformance with the regulations of the district and the City's zoning code.

VARIANCE: to reduce the required front yard from 20 feet to 0 feet to reestablish an accessory play area with recreational play equipment

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

In the R1A zoning district the minimum front yard setback is 20 feet. The applicants intend to locate recreational play equipment along the east property line in the location where the playground was located previously. MPS is working with the Minnesota Vikings to reinstall an accessible playground and detailed plans have not been prepared at this time. The play equipment that served the school prior to 2005 was removed. The play area is still defined by curbing that is less than one foot from the east property line. Because the play area is already clearly established the applicants are proposing to locate new play equipment in the same location. Although the play equipment cannot be located within 20 feet of this property line, an open play area can be. The existing defined play area is approximately 40 feet deep at the narrowest point and 80 feet at the deepest point. While removing the curbing and redefining the play area may require some additional costs it would not be practically difficult to set the equipment back 20 feet from this property line.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The request to allow a play area with recreational play equipment accessory to a school, grades K-12, is a reasonable use of the property. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Property owners that are located across the street from the play area have reported that the previous play equipment did cause some disruption to surrounding property due to unmonitored use of the equipment after hours and after the school closed in 2005. A play area with recreational play equipment accessory to a school is reasonable.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance**

will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The surrounding area is comprised mainly of low-density residential uses. A school should not be injurious to the use or enjoyment of other property in the vicinity. As mentioned above, the previous play equipment did cause some disruption to surrounding residential properties. Setting the recreational play equipment back 20 feet from the property line may help minimize the disruption to surrounding properties.

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 Conditional Use Permit for a school, grades K-12, at 3733 43rd Avenue South in the R1A Single Family Residence District, 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 applicant shall provide a minimum of forty-five (45) bicycle parking spaces on site or within the public right-of-way, as approved by the city engineer.
3. All site improvements shall be completed by October 1, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. Fences located in a required yard shall not exceed three (3) feet in height. The fence height may be increased by one (1) foot if constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque. If chain link fencing is used it shall be vinyl-coated chain link.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the required front yard from 20 feet to 0 feet to reestablish an accessory play area with recreational play equipment, at 3733 43rd Avenue South in the R1A Single Family Residence District.

Attachments:

1. Statement from applicant
2. Correspondence to the neighborhood group and council office
3. Correspondence
4. Zoning map
5. Site plans and floor plans and photos
6. Photos