

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit & Variances
BZZ-2548

Date: October 5, 2005

Applicant: Clyde Kane, Minneapolis Public Schools

Address of Property: 3345 Chicago Avenue

Project Name: Wilder Complex

Contact Person and Phone: Clyde Kane, (612) 668-0274

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: September 9, 2005

End of 60-Day Decision Period: November 8, 2005

Ward: 8 Neighborhood Organization: Powderhorn Park

Existing Zoning: R2B, Two-Family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Legal Description: Not applicable for this application

Proposed Use: early childhood learning center and grade school with two new, accessory parking lots.

Concurrent Review:

Conditional Use Permit: to allow an early childhood learning center and two accessory parking lots.

Variance: to reduce the front yard setback requirement along Elliot Avenue South from 20 feet to 9 feet to allow a trash enclosure.

Variance: to reduce the corner side yard setback requirement along 33rd Street East from 10 feet to 0 feet to allow a playground.

Variance: to allow an off-street parking area to be located between the principal building and the front lot line along Chicago Avenue.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; and Chapter 525, Article IX Variances.

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Background: The applicant, Clyde Kane, on behalf of Minneapolis Public Schools, is proposing to repurpose the Wilder Complex located at 3345 Chicago Avenue. The applicant has indicated that Minneapolis Public Schools is in the process of closing or combing several of its school building as part of its Facilities Utilization Plan. As a result, some existing school buildings are being “re-purposed”, or being used to house other District activities. The Wilder Complex previously housed the Powderhorn and Banneker Schools, which served kindergarten through eighth grade students, and the Transition Plus program. The repurposing would result in seven different programs in the Wilder Complex. Additional information describing these programs is in the applicant’s statement of purpose. Some of the programs are classified as a grade school by the Zoning Code. The others are classified under early childhood learning center. Generally, the complex would serve children and students from age birth to 21 years of age. All of the programs are regulated by the Minnesota Department of Education.

The site is located in the R2B district. It lies between Chicago Avenue and Powderhorn Park. Occupying almost 1 ½ city blocks, it has frontage on several streets including Chicago and Elliot Avenues, and 33rd, 33 ½, and 34th Streets East. It shares its East property line with the park. The area is predominantly residential; however, commercial businesses are nearby on Chicago Avenue.

Several modifications of the site are proposed to accommodate the new programs. Two surface parking lots would be constructed on the school grounds. One would have access onto Chicago Avenue with 17 parking spaces, and other would access 34th Street East with eight spaces. Each parking lot includes a handicap van-accessible parking space. Other parking exists for the school on the property of 3346 Chicago Avenue, West of the subject site. There are 74 spaces in that parking lot. Only a few structural changes are proposed to the interior of the building. Walls will be erected in existing spaces to create 3 additional rooms. No other changes to the building are proposed.

A conditional use permit is required to allow a school, grades K-12, in the residential districts. The Wilder Complex is deemed to have a conditional permit for this use because it was established before the zoning code classified this use as conditional. Because of the program changes, early childhood learning centers would also operate on the site. An early childhood learning center requires a conditional use permit in the R2B district. The addition of the parking lots is a part of the conditional use permit request because changes to a development plan involving parking is considered a major change in the zoning code and must be addressed by the CUP.

A variance to reduce the front yard setback requirement along Elliot Avenue South is required to allow a new trash enclosure to project into said required yard. Likewise, to allow a playground to exist in the corner side yard along 33rd Street East, a variance is required. In the residential districts, a parking lot is not allowed to be located between the principal structure and the front lot line. The applicant is therefore requesting a variance from this location requirement. Please note that although this development is not subject to site plan review, the parking area must be brought into compliance with the provisions of Chapter 541 – specifically section 541.360(a), Landscaping, screening and curbing.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

Findings as required by the Minneapolis Zoning Code:

CONDITIONAL USE PERMIT

The Community Planning and Economic Development 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 continued use of the school and the addition of an early childhood development center and two parking lots should not be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant has indicated that these uses provide a public and community asset to enhance education and improve the general welfare of City, Neighborhood and District residents.

- 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 applicant has indicated enrollment in Minneapolis public schools is declining. The early childhood learning center is an adaptive reuse of the building. The parking lots would likely reduce the amount of on-street parking in the nearby streets. Staff believes that the school will have little impact on the surrounding properties.

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

Utilities and access roads are existing and adequate. The parking areas would be accessed from Chicago Avenue and 34th Street East. A drainage plan will also be reviewed by Public Works at the final site plan stage. Planning staff encourages the applicant to direct drainage to existing green spaces on the site to allow for on-site filtration of stormwater rather than directing water to the public street and storm sewer system.

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

The parking requirement will increase due to the change of programs. The minimum parking requirement for a school and an early childhood learning center is equal to one space per classroom and other rooms used by students and faculty plus one space per five students of legal driving age. Because the school will now include students of driving age and three additional rooms are proposed, the minimum parking requirement will increase by 19 spaces. The 25 new spaces proposed should accommodate any increased demand for parking, and thereby lessen traffic congestion in the public streets. Also, early childhood learning centers are required to provide short term parking for vehicles engaged in the loading and unloading of children. On

the East side of the development, an off-street loading area accessed from Elliot Avenue exists that can meet this requirement.

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

According to Map 9.8, as found in *The Minneapolis Plan*, this site is designated as a public facility. Chicago Avenue is designated as a community corridor. *The Minneapolis Plan* states that “[community corridors are] physical and cultural pathways that link people to each other, to local institutions and to daily destinations such as work, shopping, school or home.” An early childhood learning center, along with the school, are appropriate uses for this community corridor. Furthermore, the plan states that “ensuring that [children under the age of five years] have healthy stimulation and supportive preschool years is an essential component of preparing children for more formal learning experiences. Early childhood care, library resources, education and nutrition programs are important tools that the city invests in to build a bright future for all children.” The programs of the Wilder Complex are consistent with the goals of 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.

Some existing conditions on the site are not in compliance with district requirements. Refuse containers and mechanical equipment are not screened from the street and adjacent residential uses. The applicant is proposing to screen the refuse containers. The screening would project into the front yard along Elliot Avenue, therefore the applicant is applying for a variance to reduce the yard requirement. Staff is recommending that the mechanical equipment also be screened to gain compliance with Section 535.70 of the Zoning Code. Recreational playground equipment was installed in the corner side yard along 33rd Street East. Playground equipment is not a permitted obstruction. A variance is required to allow the equipment to remain.

An early childhood learning center must comply with the following development standards:

- (1) A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided, as specified in Chapter 541, Off-Street Parking and Loading. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
- (2) Play equipment shall not be located in required front, side or rear yards and shall be effectively screened, as specified in Chapter 530, Site Plan Review.
- (3) 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.
- (4) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

As previously stated, the playground equipment along 33rd Street requires a yard variance. Staff

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is recommending that the required screening for all playground equipment on the site be installed to gain compliance with the development standards. If a fence is installed, the height shall comply with Section 535.420, Fence Height.

The proposed parking areas would comply with all of the minimum standard requirements of Chapter 541, including design and maintenance requirements, striping, and stall size requirements.

The site would conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit and the variances.

VARIANCES: (1) to reduce the front yard setback requirement along Elliot Avenue South from 20 feet to 9 feet to allow a trash enclosure; (2) to reduce the corner side yard setback requirement along 33rd Street East from 10 feet to 0 feet to allow a playground; and (3) to allow an off-street parking area to be located between the principal building and the front lot line along Chicago Avenue.

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.

Variance for the trash enclosure: The zoning code requires that all refuse containers be screened from adjacent streets and residential uses. The applicant is proposing a six foot high, redwood fence with steel posts to meet this requirement. The location of the enclosure would be at the intersection of Elliot Avenue and 33 ½ Street East. All sides of the property front a public street, except one where a property line is shared with an adjacent park. There are open spaces between the building and the property lines that are outside of the required yards. The trash enclosure could be placed next to another façade; however, there are reasons why the façade facing the intersection of Elliot Avenue and 33 ½ Street East is most appropriate and placing the enclosure elsewhere may cause undue hardship. For example, the building along 33 ½ Street is for the most part is set back five feet from the property line. The trash enclosure cannot be located here without requiring a yard variance. Also, the existing layout of the building limits where a trash enclosure could be located. The maintenance functions, such as trash disposal, and mechanical equipment are already located next to the intersection of Elliot Avenue and 33 ½ Street East. The proposed location off of the intersection of Elliot Avenue and 33 ½ Street East already allows for direct access from the street. The location of the trash enclosure is reasonable under the conditions allowed.

Variance for the playground: The site is fully developed for a school use. Three playgrounds exist on the property. Two are on the South side of the complex and the third is on the North side. The playground to the North requires the yard variance. The applicant has indicated that 300 students would attend the Wilder Complex. Many of those children would utilize the playground equipment on a daily basis. Because the footprint of the building takes up the interior of the property, locating the playground elsewhere would likely result in encroachment into required yards. Strict adherence to the regulations of the zoning ordinance would likely cause undue hardship.

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Variance for the parking lot location: The site is fully developed. The minimum parking requirement is increasing by 19 spaces due to the program changes in the existing facility. Locating the parking area elsewhere would likely result in it encroaching into required yards. Strict adherence to the regulations of the zoning ordinance would likely cause undue hardship.

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.**

Variance for the trash enclosure: All sides of the property front a public street, except one. Where the subject property shares its East property line with Powderhorn Park, no vehicle access exists. The existing layout of the building limits where a trash enclosure could be located. Each of the building facades contains a principal entrance, thereby giving the building the appearance that it does not have a “rear” façade where refuse containers are typically located for nonresidential uses. The maintenance functions, such as trash disposal, and mechanical equipment are already located next to the intersection of Elliot Avenue and 33 ½ Street East. The intersection is curved because both streets are not through streets on this block. The footprint of the building angles next to the curve, but is varying distances away from the property line. Only a small fraction of the trash enclosure projects into the required yard. These circumstances are unique to the parcel and have not been created by the applicant.

Variance for the playground: The site is fully developed for a school use. Because the footprint of the building takes up the interior of the property, locating the playground elsewhere would likely result in encroachment into required yards. This circumstance is unique to this parcel of land and has not been created by the applicant.

Variance for the parking lot location: The building exists on the property. Few areas exist on the property where a parking area that is in compliance with all the district regulations could be located. This circumstance is unique to this parcel of land and has not been created by the applicant.

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.**

Variance for the trash enclosure: The location of the refuse containers and screening would not likely affect the surrounding uses. Currently, vehicles park in the required front yard and the right-of-way along the intersection of Elliot Avenue and 33 ½ Street East. No screening is provided for the parking, the vehicles parking on the sidewalk impede pedestrian traffic, and all vehicle maneuvering occurs in the right-of-way which could impact safety of other traffic on the streets, sidewalks, and walkways. The applicant is proposing to remove this condition. The placement of the trash enclosure in this location is more in keeping with the intent of the ordinance.

Variance for the playground: The granting of the variance would likely be in keeping with the spirit and intent of the ordinance and the essential character of the area. The playground is part

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of the early childhood learning center use and serves the surrounding neighborhood. No other uses occupy the South block frontage of 33rd Street East. Granting the variance would not likely be injurious to the enjoyment of other property in the area.

Variance for the parking lot location: The proposed parking lot would be situated in a recessed area of the existing building. It would likely not have a substantial visual impact because of its sheltered location on the interior of the block and would be screened and landscaped in compliance with Chapter 541 design and maintenance requirements. The parking lot should have little impact on surrounding properties.

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.**

Variance to reduce the yard requirements for the trash enclosure and playground equipment and the variance for parking location: Granting the variances would likely have no impact on the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

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 to allow an early childhood learning center and two accessory parking lots for the property located at 3345 Chicago Avenue, subject to the following conditions:

- 1) The parking areas shall be in compliance with the provisions of Chapter 541 – specifically section 541.360(a), Landscaping, screening and curbing. The applicant is encouraged to direct stormwater from the parking lot to on-site filtration areas.
- 2) CPED Planning staff review and approval of the final site and landscaping plans.
- 3) All site improvements shall be completed by October 5, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
- 4) Mechanical equipment shall be screened in compliance with Section 535.70 of the Zoning Code.
- 5) Refuse containers shall be screened in compliance with Section 535.80 of the Zoning Code.
- 6) Playground equipment shall be screened effectively, as specified in Ch. 530, Site Plan Review.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the front yard setback requirement along Elliot Avenue South from 20 feet to 9 feet to allow a trash enclosure at the property of 3345 Chicago Avenue.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the corner side yard setback requirement along 33rd Street East from 10 feet to 0 feet to allow playground equipment at the property of 3345 Chicago Avenue.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to allow an off-

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street parking area to be located between the principal building and the front lot line along Chicago Avenue at the property of 3345 Chicago Avenue.

Attachments:

1. PDR comments
2. PDR responses
3. Statement of use and findings
4. Zoning map
5. Plans
6. Photos