

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-5754

**Date:** October 1, 2012

**Applicant:** Urban Arts Academy

**Address of Property:** 3901 Chicago Avenue and 3900 Elliot Avenue South

**Project Name:** Urban Arts Academy

**Contact Person and Phone:** Lisa Lindstrom, Urban Arts Academy (612) 827-1641

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

**Date Application Deemed Complete:** August 29, 2012

**End of 60-Day Decision Period:** October 28, 2012

**Ward:** 8      **Neighborhood Organization:** Bancroft Neighborhood Association (adjacent to Bryant Neighborhood Organization)

**Existing Zoning:** R4 Multiple-Family District (3901 Chicago Avenue) and R1A Single-Family District (3901 Elliot Avenue South)

**Zoning Plate Number:** 32

**Proposed Use:** Preschool

**Concurrent Review:** Conditional use permit to allow a preschool.

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

**Background:** The applicant is proposing to establish a preschool in the existing building occupied by a place of assembly, Calvary Lutheran Church, located at 3901 Chicago Avenue. The preschool would share the building with the church. The preschool would be located on the second floor of the education wing of the church. No exterior changes are proposed to the building. Up to 30 children would be enrolled per program session and seven employees would be staffed, including part-time and administrative employees. Parking for the church and the preschool is located at 3900 Elliot Avenue, located across the alley from the church. The building is located within an R4 Multiple Family District where a preschool is a conditional use. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law. As of writing this staff 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.

## **CONDITIONAL USE PERMIT**

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

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

The place of assembly was constructed in 1930 and a large addition, the education wing, was constructed in 1953. The proposed preschool would occupy the second floor of the education wing. There is no indication that using the space for a preschool would be detrimental to the public health, safety, comfort or general welfare.

**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.**

Allowing a preschool within an existing place of assembly would not impede normal or orderly development nearby. The two principal uses, the existing place of assembly and the proposed preschool, will likely occur at opposite times during the week and share the use of the existing parking lot. The applicant strives to maintain strong ties with neighboring organizations and community members. The use should benefit the surrounding area.

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

Adequate utilities, access roads, and drainage facilities exist.

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

The parking requirement for a preschool is one space per two employees plus two drop off spaces (either off-street or on-street by permission of the city engineer), or four spaces, whichever is greater. The preschool would be staffed by seven employees. Therefore the minimum parking requirement is five spaces. The minimum parking requirement for the place of assembly is parking equal to 10 percent 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 size of the auditorium according to the applicant is 3,634 square feet and thus the parking requirement for the church is 24 spaces. The total requirement is 39 spaces. The church owns the parking lot located at 3900 Elliot Avenue, which contains 43 spaces. It also includes two accessible spaces. There is not a minimum bicycle parking requirement for a preschool or a place of assembly. However, ten bicycle parking spaces exist. The site is also adjacent to a transit stop. Adequate measures will be provided to minimize traffic congestion in the public streets.

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

The proposed use would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. The future land use of the site is designated as urban

neighborhood<sup>1</sup> by the plan. Chicago Avenue is also designated as a community corridor. According to the principles and polices outlined in the plan, the following apply to this proposal:

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

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.

5.2.4 Connect residents to educational opportunities throughout the city, including magnet schools, community education, early childhood family education, post-secondary education, and vocational and higher education.

**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.**

The proposed use must comply with the following specific development standards found in section 536.20:

*Preschool.*

- (1) In the residence and OR1 Districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance.
- (2) 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.
- (3) Play equipment shall not be located in required front, side or rear yards and shall be effectively screened from any adjacent residential use located in a residence or office residence district or from a ground floor permitted or conditional residential use, as specified in Chapter 530, Site Plan Review.
- (4) 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.
- (5) 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.

---

<sup>1</sup> Urban Neighborhood (UN)— Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

The use would be located in a nonresidential structure built before the adoption of these development standards. Short-term parking would be available in the parking lot located at the property of 3900 Elliot Avenue, which has access to the adjacent public sidewalks. No new construction is proposed. No play equipment is proposed on-site.

Preschools located in the R1A district are required to have at least 5,000 square feet of lot area. A place of assembly is required to have at least 10,000 square feet of lot area. The total minimum lot area is 15,000 square feet. The lot area for 3901 Chicago Avenue is approximately 20,800 square feet.

The existing parking lot does not fully comply with the landscaping, screening, and curbing requirements for parking lots in section 541.360 and Chapter 530 of the zoning code.

- A landscaped yard 7 feet wide is required between the parking area and an adjacent street unless a greater yard is required. A 20 foot front yard is required along Elliot Avenue and an 8 foot wide corner side yard is required along East 39<sup>th</sup> Street. Screening 3 feet in height and at least 60 percent opaque is required in the yards adjacent to the streets. A 9 foot wide landscaped yard with a community garden is located between the parking lot and Elliot Avenue. Although the plants in the community garden would not provide year-round screening, they do provide some screening. A two foot wide landscaped yard, but no screening, is located between the parking lot and East 39<sup>th</sup> Street.
- A 7 foot wide yard is required adjacent to the alley because a residentially zoned property (the church) is located across the alley. A 7 foot wide yard is required adjacent to the south property line because the parking lot is adjacent to a residential use. Screening that is 6 feet tall and 95 percent opaque is also required in these yards. A 3 foot wide landscaped yard, but no screening, is located adjacent to the south property line. Mature evergreen trees and a solid 6 foot high wood fence are located on the adjacent residential property that provides adequate screening of the parking area.
- Wheel stops or discontinuous curbing that allow the on-site filtration of stormwater are required in the parking lot. Continuous 6-inch by 6-inch curbing is located around the perimeter of the parking lot except adjacent to the alley. Grading appears to slope mainly to the alley.

Requiring modifications to the parking lot to fully comply with the current yard and curbing requirements at this time would not be practically and economically feasible and would eliminate a significant amount of parking (approximately half, which would result in the uses not meeting the minimum parking requirements) and the community garden. There is also limited room adjacent to the East 39<sup>th</sup> Street sidewalk to provide landscaping. To bring the parking lot closer to compliance, staff is recommending that the planning commission require the applicant to plant perennials and/or native grasses in the landscaped yard adjacent to East 39<sup>th</sup> Street. If the community garden is dissolved in the future, the screening and landscaping requirements from section 541.360 and Chapter 530 of the zoning code will need to be implemented.

With the implementation of the staff recommendation, the use would comply with the applicable regulations of the district.

**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 a preschool located at the property of 3901 Chicago Avenue and 3900 Elliot 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 two years of approval.
2. Perennials and/or native grasses shall be planted in the yard between the parking lot and East 39<sup>th</sup> Street to provide screening as required by section 541.360 of the zoning code.
3. Department of Community Planning and Economic Development – Planning Division staff review and approval of the final site and landscape plans.
4. Site improvements required by the zoning code or by the City Planning Commission shall be completed by October 1, 2014, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of use and findings
2. Zoning map
3. Site plan and floor plans
4. Photos