

Department of Community Planning and Economic Development – Planning Division
Expansion of a Legal Nonconforming Use
BZZ-5727

Date: September 19, 2012

Applicant: Aurora Charter School

Address of Property: 2101 26th Street East

Project Name: Aurora Charter School—Elementary Addition

Contact Person and Phone: Jim Dowds, (612) 328-4444

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

Date Application Deemed Complete: August 15, 2012

End of 60 Day Decision Period: October 14, 2012

Ward: 2 and 9 **Neighborhood Organization:** Seward Neighborhood Group and Longfellow Community Council

Existing Zoning: I1 Light Industrial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 27

Legal Description: Not applicable for this application

Existing Use: Grade school

Concurrent Review: Expansion of a nonconforming use to allow additional classrooms/floor area to be added to a grade school.

Applicable Zoning Code Provisions: Chapter 531 Nonconforming Uses and Structures, Section 531.50(b).

Background: The applicant, Aurora Charter School, is proposing to move their kindergarten through fourth grade classrooms to the property located at 2101 26th Street East where grades five through eight are currently located. The kindergarten through fourth grades are now located at the property across the street, 2520 Minnehaha Avenue. The school was established on the subject property in 2007 when grade schools were a permitted use in the I1 district. In 2009, the City Council amended the zoning code to no longer allow grade schools in industrial districts. Because the use was legally established at the time the ordinance changed, it has nonconforming rights to be located on the subject site. Adding

classrooms/floor area to a nonconforming use is an expansion of a nonconforming use under Section 531.50(b) of the zoning code and requires authorization from the City Planning Commission. 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.

EXPANSION OF NONCONFORMING USE: to allow additional classrooms/floor area to be added to a grade school.

Findings as Required by the Minneapolis Zoning Code:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

1. A rezoning of the property would be inappropriate.

The future land use map in *The Minneapolis Plan for Sustainable Growth* classifies the use of the site as industrial. The site is located in the Seward/Hiawatha Industrial Employment District. Grade schools are allowed in all zoning districts, except industrial districts. Because industrial employment districts are established to ensure that long-term opportunities are available for economic and employment growth for industrial uses, it would not be appropriate to rezone the property.

2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The site is located in an industrial area. It is also adjacent to the Hiawatha LRT line and the Midtown Greenway. The school shares the building with a roofing contractor company. Staff is not aware of any conflicts between the uses. The expansion would be compatible.

3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The minimum parking requirement for a grade school is one space per classroom plus one space per five students of legal driving age based on the maximum number of students attending classes at any one time. There would be a total of 24 classrooms (9 existing and 15 proposed, including the gymnasium). There would not be any students of legal driving age. Therefore the minimum parking requirement for the school is 24 spaces. The roofing contractor use has a minimum parking requirement of 4 spaces. There are 68 spaces that would be available for parking.

The minimum bicycle parking requirement for a grade school is 3 spaces per classroom. Fifteen additional classrooms are proposed. Therefore 45 bicycle spaces are required, of which, at least 23 must meet the standards for short-term parking. The applicant is proposing to provide 45 short-term spaces.

One small loading space is required for a school of this size. There is a large loading dock behind the building.

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Because the kindergarten through fourth grades will be relocated from a site across 26th Street East, there should not be any increase in vehicle or bus traffic in the immediate area. Buses also have sufficient area to maneuver on-site. Providing bicycle parking would also provide alternatives to driving.

- 4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

With the exception of the proposed bicycle parking, all proposed changes to the site are internal to the building. The property is well-kept and contributes to the appearance and stability of the neighborhood.

- 5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**

No dwelling units are proposed.

- 6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The property is not located in the Floodway District.

RECOMMENDATION:

**Recommendation of the Department of Community Planning and Economic Development—
Planning Division for the Expansion of Nonconforming Use:**

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 an expansion of a legal nonconforming use to allow additional classrooms/floor area to be added to a grade school located in the I1 Light Industrial District for the property located at 2101 26th Street East, subject to the following condition:

1. At least 45 bicycle parking spaces shall be provided as required by section 541.180 of the zoning code.

Attachments:

1. Applicant findings
2. Zoning map
3. Plans
4. Photos