

GENERAL INFORMATION

Applicant: Kurt Perkins, The Father's House (User)
Bloomington Public Schools (Owner)

Location: 9701 Nicollet Avenue South

Request: Conditional use permit for a place of assembly within an existing school (Kennedy High School)

Existing Land Use and Zoning: School; zoned R-1, Single Family Residential

Surrounding Land Use and Zoning: North – Single-family residential; zoned R-1
South – Single-family residential, office and retail; zoned R-1 and B-2
East – Single-family residential and townhomes; zoned R-1
West – Multiple-family residential and a station store; zoned R-4 and B-2

Comprehensive Plan Designation: Public

CHRONOLOGY

Planning Commission	05/05/2016	Recommended Approval
City Council	05/16/2016	Review Scheduled

DEADLINE FOR AGENCY ACTION

Application Date:	03/30/2016
60 Days:	05/29/2016
120 Days:	07/28/2016
Applicable Deadline:	05/29/2016
Newspaper Notification:	Confirmed – (04/21/2016 Sun Current – 10 day notice required)
Direct Mail Notification:	Confirmed – (500 foot buffer – 10 day notice required)

STAFF CONTACT

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PROPOSAL

The Father's House is requesting a Conditional Use Permit (CUP) to utilize Kennedy High School's auditorium and "Lunch Lab" classrooms on Sundays for a place of assembly. The auditorium is where the main church service would take place while the Lunch Lab classrooms would be used for childcare. The Father's House currently uses the Mraz Theater at Burnsville High School. Renovations for the Mraz Theater are planned for this summer making it unavailable for applicant. Average weekly attendance is 250 to 300.

ANALYSIS

The applicants propose to establish a place of assembly at Kennedy High School, which is zoned R-1 Single Family Residential. A place of assembly is a conditionally-permitted use. Following the public hearing, the Planning Commission's recommendation will be forwarded to the City Council for final action.

The City Code Section 19.63 includes performance standards for places of assembly. These standards, apply to freestanding place of assembly uses and sites. Since the proposed church would be located inside the public school, the standards of Section 19.63 do not apply.

Regarding other applicable performance standards, it is important to determine whether the site proposed for the place of assembly is served with adequate parking. Parking requirements are found in Section 21.301.06 of the City Code. The parking requirement for places of assembly is the following:

Spaces equal in number to one-third capacity in persons. If use includes an educational component, those facilities are required to provide additional parking as provided in the ordinance under Educational Institutions.

The auditorium would be subject to the one-third occupancy parking requirement, while the Lunch Lab classrooms would be calculated using the parking requirement for instructional center (educational category), which is one parking space per 200 square feet. The size of the proposed space and the required parking is shown in Table 1. Auditorium occupancy is one-third the number of total seats. There are 935 auditorium seats. Given the anticipated attendance is well below the number of seats, the School District would close off the two upper wings, which reduces the number of seats to 478. Staff used the lower number of calculate the parking requirement.

Kennedy High School is well served by parking. According to School District staff, there are over 500 parking stalls throughout the high school campus. The applicant would utilize the main high school entrance near the southwest parking lot. Two-hundred and twenty-one stalls are located within this lot. If needed, the applicant would have access to the northwest parking lot, which includes 65 parking stalls.

Table 1: Room Size and Resulting Parking Requirement

Room	Size or Seats	Schedule	Parking Requirement
Lunch Lab classrooms	1603 sq. ft.	1 parking space/200 square feet	8
Auditorium	478 seats	(1/3 occupancy)	159
Total Parking Requirement			167 stalls

Although the applicant's existing facility's renovations in Burnsville are anticipated to be completed at the end of the summer, the applicant would like to have the ability to use the space in the future should the need arise. City Code Section 21.501.04 stipulates that conditional use permits expire one year after approval if the proposed use has not commenced and expire after one year of vacancy after the use commences.

The School District does not have any concerns with the proposed place of assembly. Conditional use permits for places of assembly have been approved at four other Bloomington public schools. There will be periodic events on Sunday mornings. Most of these events will be athletic events, which utilize the east parking lots. Nonetheless, some coordination may be necessary between the applicant and the School District during those events. Staff is recommending a condition of approval that limits concurrent use of Kennedy High School and The Father's House if such use will cause a non-conforming parking scenario.

Status of Enforcement Orders

There are no open enforcement orders for this property.

FINDINGS

Section 21.501.04(e)(1-5) - Conditional Use Permits

- (1) The proposed use/development is not in conflict with the Comprehensive Plan;**
 - The subject property is guided Public according to the Comprehensive Plan. Places of assembly on a parcel guided as Public are not in conflict with the Comprehensive Plan.
- (2) The proposed use is not in conflict with any adopted District Plan for the area;**
 - The property is not located within an area with an adopted District Plan.
- (3) The proposed use is not in conflict with City Code provisions;**
 - Subject to compliance with the conditions of approval, the proposed use meets all City Code requirements.

- (4) **The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and**
- The proposed use is not of a nature, scale, or intensity to create an excessive burden on parks, the high school, or other public facilities and utilities. The limited size and time of use of the place of assembly should not increase traffic demand sufficient to have a noticeable impact on adjacent streets. Kennedy High School is located along Nicollet Avenue and Old Shakopee Road, two arterial roads. Traffic associated with services will not substantively impact traffic.
- (5) **The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**
- It is not anticipated that the proposed place of assembly will be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The place of assembly would use existing facilities that are regularly in use.

RECOMMENDATION

The Planning Commission and Staff recommend the following motion:

In Case PL2016-51, having been able to make the required findings, I move to adopt a resolution approving of a Conditional Use Permit to allow a place of assembly at Kennedy High School at 9701 Nicollet Avenue South, subject to the attached conditions of approval page.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2016-51

Project Description: Conditional use permit for a place of assembly (The Father's House) within Kennedy High School.

Address: 9701 NICOLLET AVE S

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must comply with all applicable local, state, and federal codes.

1. Ongoing The place of assembly is limited to the auditorium and Lunch Lab classrooms identified in the plans submitted for Case PL2016-51.
2. Ongoing Sewer Availability Charges (SAC) must be satisfied.
3. Ongoing Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN.Rules Chapter 1306; MN State Fire Code Sec. 903).
4. Ongoing Concurrent use of Kennedy High School, including the activity center, and The Father's House that will cause a non-conforming parking scenario is not permitted.
5. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
6. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).