

GENERAL INFORMATION

Applicant: BlueSky Online School (User)
BLN Office Park Properties (Owner)

Location: 2051 Killebrew Drive

Request: Conditional Use Permit for a grade 7-12 Online School in an existing office building

Existing Land Use and Zoning: Office Building; zoned C-4 Planned Development (PD)

Surrounding Land Use and Zoning: North – Mall of America; zoned CX-2
East – surface parking; zoned C-4
South – multi-family residential; zoned R-4
West – office; zoned C-4

Comprehensive Plan Designation: Office

HISTORY

City Council Action: 06/07/10 – Approved Conditional Use Permit for Kaplan Professional Schools (Case 7986A-10). Kaplan is in a separate tenant space than the proposed BlueSky online school.

CHRONOLOGY

Planning Commission 12/19/2019 – Public Hearing Held - Recommended Approval

Council 01/06/2020 – Review Scheduled - Development Business

DEADLINE FOR AGENCY ACTION

Application Date:	11/13/2019
60 Days:	01/12/2020
Extension Letter Mailed:	No
120 Days:	03/12/2020
Applicable Deadline:	01/12/2020
Newspaper Notification:	Confirmed – (12/05/19 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 foot buffer – 10 day notice)

STAFF CONTACT

Shawn James
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PROPOSAL

The Applicant proposes an online school, grades 7 through 12, on the fifth floor of an existing office building. The school would operate September through June. There are a total of 64 staff, with teachers primarily working from home. Around 10 full-time staff work onsite year-round with normal office hours. Students primarily receive instruction off-site, but have the option to receive onsite teacher support or use study areas as needed. The site would be used for monthly social or educational events, during which 10 to 20 students typically attend. Around 30 to 40 students would be onsite during required state testing. The school does not provide transportation. It is anticipated many students would take public transit or drive themselves when they need to come into the office.

ANALYSIS

The proposed 7th through 12th grade school is a conditional use in the C-4 Zoning District. As an online school, a majority of the use would be office and support functions. Occasional on-site instruction, social gatherings and testing will also occur and are common characteristics of school uses.

When a change of use occurs, the City Code triggers certain non-conforming characteristics to come up to Code. For the change of use from an office to a school use, City Code requires Code complying trash and lighting to accommodate the use. The existing trash facilities meet the minimum requirements for collection and storage. Staff is aware the site is partially compliant with the required lighting. The change of use will require a review to verify the parking required for the school closest to the entrance complies with the minimum light levels. If upgrades are required, the

updates must be completed prior to commencing the school use. Landscaping upgrades are not triggered with the application because no expansion of the building is proposed.

The City Code does not set forward specific parking requirements for online school uses. In such cases, the Code requires the Issuing Authority to set parking requirements based on similar uses and/or authoritative sources. The use characteristics of the proposed school are similar to an office. There are no classrooms with regular school attendance and the planned educational activities are similar to those in an office where clients come to the office at times to conduct business. Therefore, staff has determined the parking requirement to be that required by an office use. Since an office use previously occupied the space, there is no increase or decrease in parking demand.

The applicant's request to establish a 7th through 12th grade online school in the existing office building is a compatible use given that adequate parking and infrastructure is provided.

Traffic Analysis

No significant impacts to the adjacent traffic patterns due to the proposed use have been identified. The proposed use is anticipated to operate similar to an office. Peak hours during events would occur after normal office hours, and not conflict with other uses at the site.

FINDINGS

Required Conditional Use Permit Findings - Section 21.501.04 (e) (1)

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made - There is no conflict between the proposed use and the Comprehensive Plan. The proposed school use is consistent with the Comprehensive Plan's Office designation.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made - The proposed use is located in the South Loop District and is consistent with the South Loop District Plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made - Subject to compliance with the conditions of approval, the use is not in conflict with City Code provisions.
(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.	Finding Made - The proposed school is not anticipated to increase traffic demand nor will it have a noticeable impact on streets. The proposed use is not of a size or scale to cause an excessive burden on parks, school, streets, the sanitary sewer system, or the water system.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made - The proposed school should not cause conflict with the surrounding hospitality, multi-family residential, or other land uses within the area. The use is consistent with other uses within the multi-tenant building. The use is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare.

RECOMMENDATION

The Planning Commission and staff recommend approval using the following motion:

In Case PL2019-218, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a grade 7-12 online school in an existing multi-tenant office building at 2051 Killebrew Drive, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL201900218

Project Description: Conditional Use Permit for BlueSky Online School

Address: 2051 KILLEBREW DR

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 also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit Sewer Availability Charges (SAC), if applicable, must be satisfied.
2. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
3. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
4. Prior to C/O Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
5. Prior to C/O Life safety requirements must be reviewed and approved by the Fire Marshal. This includes but not limited to fire suppression system and fire alarm/visual devises.
6. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
7. Ongoing The online school must be as shown on the approved plans in Case File # PL2019-218.

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