

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5409

Date: December 12, 2011

Applicant: Jacqueline Bailey

Address of Property: 3010 & 3015 13th Avenue South

Project Name: South Summit Early Learning Center

Contact Person and Phone: Jacqueline Bailey, (612) 377-9011

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

Date Application Deemed Complete: November 16, 2011

End of 60-Day Decision Period: January 15, 2012

Ward: 8 **Neighborhood Organization:** Powderhorn Park (borders Midtown Phillips on Lake Street)

Existing Zoning: C1 Neighborhood Commercial District & R2B Two-Family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Legal Description: Not applicable for this application

Proposed Use: Child care center

Concurrent Review: Conditional use permit to allow a child care center.

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

Background: The applicant is proposing to establish a child care center in the existing building located at the property of 3015 13th Avenue South. The use would share the building with Christ Church International. It would occupy one floor on the south end of the building. The playground, also owned by the church, is located across the street at the property of 3010 13th Avenue South. No site modifications are proposed. The property of 3015 13th Avenue South is zoned C1 and R2B. When a property has split zoning, the most restrictive provisions of the zoning district apply. A child care center is a permitted use in the C1 district; however, it is a conditional use in the R2B district. Therefore a conditional use permit is required. The property where the playground is located is included in the request because Minnesota state law requires outdoor play area and equipment for child care centers and would be part of the proposed facility. It is also zoned R2B. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.

Correspondence from the neighborhood group, Powderhorn Park Neighborhood Association, was received and is attached to this report. Staff will forward additional 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.

Establishing a child care center on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 child care center should not impede normal or orderly development nearby and the use should benefit the surrounding area. In the immediate area, primarily commercial uses are adjacent to Lake Street and low to medium density residential uses are located off of Lake Street. The play equipment is currently not screened from adjacent residential properties. Screening is required by the development standards for a child care center. Screening is also required between the parking lot and 13th Avenue. Staff is recommending that the site be brought into compliance with these requirements. These improvements should increase compatibility with the surrounding properties.

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 use should have little effect on traffic congestion in the public streets. The parking requirement for a child care center is one space per 500 square feet of gross floor area (GFA) plus two drop off spaces, or four spaces, whichever is greater. The GFA would be approximately 4,500 square feet. Therefore a minimum of 11 parking spaces, including the two drop-off spaces, are required. A 110 space parking lot is located behind the building. The parking lot is shared with the church. The minimum parking requirement for the church is parking equal to 10 percent of the capacity of persons in the main auditorium. The main auditorium is 6,742 square feet in area. Therefore the church has a minimum parking requirement of 45 spaces. Generally, the respective hours of peak operation would not overlap. The site is also in close proximity to public transit. Two bus routes run along Lake Street north of the site. The minimum bicycle parking requirement for a child care center is 3 spaces. Because the building was constructed before this provision went into effect, grandfather rights exist for the bicycle parking requirement. To encourage the use of

alternate modes of transportation, staff is recommending that the applicant provide at least 3 short-term bicycle parking spaces on the site. Section 541.180 of the zoning code includes the following provisions for short-term bicycle parking:

- Bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway.
- Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures.
- Short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components.

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 neighborhood¹ by the plan. Lake Street is designated as a commercial corridor. According to the principles and polices outlined in the plan, the following apply to this proposal:

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

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:

Child care center.

- (1) In the residence and OR1 Districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance, or nursing home.

¹ 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.

- (2) The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading children, 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.

The building is a nonresidential structure. No construction is proposed that would affect the exterior of the building. Two drop-off spaces would be provided in the parking area behind the building. The fenced in play area is located at the property of 3010 13th Avenue South. The play equipment is not located in any required yards. Residential uses, located in residential zoning districts, are located to the south and west of the play equipment. The existing fencing does not screen the equipment from the residences. Screening that is 6 feet tall and 95 percent opaque will need to be provided along the interior side and rear lot lines to comply with the above requirements. Landscaping and/or fencing can be used to meet the screening requirement. Please note: If fencing is installed, chain link with slats cannot be used because it is prohibited by the zoning code.

Child care centers located in the R1A district are required to have at least 4,000 square feet of lot area. The total lot area is approximately 95,000 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 13th Avenue and an 8 foot wide corner side yard is required along 31st Street. Screening 3 feet in height and at least 60 percent opaque. A 7 foot wide yard is required adjacent to the alley because there are residential uses located across the alley. Screening that is 6 feet tall and 95 percent opaque is also required in this yard. Wheel stops or discontinuous curbing that allow the on-site filtration of stormwater are required in the parking lot. When the parking lot was constructed in 1976, a variance was obtained to reduce the front yard requirement along 13th Avenue to 0 feet to allow the parking area and it was constructed to meet all other yards required at that time. Continuous 6-inch by 6-inch curbing is located around the perimeter of the parking lot. A wood fence is located along the alley and 31st Street that provides the required screening. However, no screening exists along 13th Avenue. City records indicate that there is 8 feet of right-of-way behind the 13th Avenue curb line, leaving two to three feet of space available on the site to provide the required screening with landscaping and/or fencing. Staff is recommending that the planning commission require the applicant to provide the required screening along 13th Avenue. Because the parking lot was constructed to comply with different ordinance regulations, requiring other modifications to 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.

Fencing is subject to the standards of Article VI in Chapter 535 of the zoning code. Several bollards along 13th Avenue are damaged. Fences are required to be kept in good repair, consistent with the design thereof.

Refuse storage containers are required to be effectively screened from the street and residences by screening compatible with the principal structure and not less than two feet higher than the refuse container. Refuse storage is located behind the building in the parking area. A 6-foot high wood fence enclosure screens the refuse storage area.

The applicant has indicated that no new signage is proposed. Signage is regulated by Chapter 543 of the zoning code. Any new signage will require Zoning Office review, approval, and permits.

With the approval of the conditional use permit and implementation of the required site improvements, 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 child care center located at the properties of 3010 & 3015 13th Avenue South, 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 one year of approval.
2. At least 3 short-term bicycle parking spaces that comply with the standards of section 541.180 of the zoning code shall be installed on the site.
3. The use shall comply with the development standards for a child care center as required by section 536.20 of the zoning code. The play equipment shall be effectively screened from adjacent residential uses, as specified in Chapter 530, Site Plan Review.
4. Screening that is 3 feet tall and 60 percent opaque shall be installed between the parking area and 13th Avenue South as required by section 541.360 of the zoning code.
5. Fencing shall be maintained as required by section 535.410 of the zoning code.
6. Community Planning and Economic Development Department – Planning Division staff review and approval of the final site and landscape plans.

7. Site improvements required by the zoning code or by the City Planning Commission shall be completed by December 12, 2012, or the permit may be revoked for non-compliance.

Attachments:

1. Applicant's statement of use and findings
2. Correspondence
3. Zoning map
4. Plans
5. Photos