

LAND USE APPLICATION SUMMARY

Property Location: 1901 44th Avenue North
Project Name: Roots Community Birth Center
Prepared By: Shanna Sether, Senior City Planner, (612) 673-2307
Applicant: Roots Community Birth Center – Rebecca Polston, CPM
Project Contact: B. Aaron Parker, AIA
Request: To allow for a birth center.
Required Applications:

Interim Use Permit	To allow a birth center for up to five years.
---------------------------	---

SITE DATA

Existing Zoning	OR I Neighborhood Office Residence District
Lot Area	4,800 square feet / .11 acres
Ward(s)	4
Neighborhood(s)	Webber-Camden
Designated Future Land Use	Urban Neighborhood
Land Use Features	Community Corridor (44th Avenue North)
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	September 21, 2015	Date Extension Letter Sent	Not applicable.
End of 60-Day Decision Period	November 20, 2015	End of 120-Day Decision Period	Not applicable.

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is a mixed-use building that was constructed in 1926 as a brick and tile store with one dwelling unit above. Most recently, the property was used as a development achievement center and a dental clinic prior to that.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property is located on 44th Avenue North, a community corridor. Surrounding properties include Patrick Henry High School to the east, mixed use and multiple family dwellings along 44th Avenue North. Single-family dwellings are the predominant land use off of the corridor.

PROJECT DESCRIPTION. The applicant is proposing to convert the entire building to a birth center. A birth center is defined as a facility licensed by the Department of Health (DOH) for the primary purpose of performing low-risk deliveries that is not a clinic or hospital and where births are planned to occur away from a residence. Additional services provided may include prenatal care, parenting classes and postpartum care. Birth centers are a conditional use in the ORI District and the applicant is seeking approval of an interim use permit for up to five years to allow for the establishment of this new business.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
<u>BZZ-4294</u>	Conditional use permit	CUP for a development achievement center	CUP was approved by the City Planning Commission on <u>1/20/09</u> .

PUBLIC COMMENTS. Staff has not received any public comments regarding the proposed interim use permit. Any correspondence received prior to the public meeting will be forwarded on to the Zoning and Planning Commission for consideration.

ANALYSIS

INTERIM USE PERMIT

For an interim use permit to be granted, the Zoning and Planning Committee must make the same findings that pertain to conditional use permits. In addition to these, any City Council approval of an interim use is subject to five additional conditions. Discussion of each of these findings and conditions follows.

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The establishment of the proposed birth center will not be detrimental to or endanger the public health, safety, comfort or general welfare. Birth centers perform low-risk deliveries away from a residence, but in a home-like environment. The proposed birth center will have two birth rooms with tubs for laboring mothers. The applicant is a certified professional midwife and anticipates approximately 120 births per year. In addition to performing deliveries, prenatal and postnatal care will be performed, as well as, birthing and prenatal yoga classes. The proposed use will be ambulatory in nature, as it has been previously.

The applicant is seeking an interim use permit for up to five years from the date of approval. This will allow for the owner to establish the new practice in the existing building and apply for the conditional use permit in the future. The City Council may waive conditions that would apply to an interim use upon finding that the temporary nature of the interim use will eliminate the adverse effects that the condition was intended to prevent. The applicant is requesting exceptions for parking lot setbacks along Logan Avenue South and maneuvering in the alley. The subject property is a reverse corner lot and parking is not located in the front yard. Additionally, a minimum 22-foot drive aisle is required behind all parking stalls and the applicant is providing less than 8 feet. The applicant is proposing to utilize the existing detached garage for prenatal yoga and provide off-street parking between the alley and the detached garage. The timeline of the interim use permit will allow the applicant to determine whether or not additional off-street parking will be required for the use without having to apply for the variances. Given the temporary duration of the use, full compliance would not be practical.

- 2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The proposed birth center will not be injurious to the use and enjoyment of other property in the vicinity. The regular activities of the use will occur during the daytime hours and there will be approximately 120 deliveries each year. According to the applicant only 10% of all low-risk births require non-emergent transfer to a hospital (in vehicle) and only .1% of those births (1.2 times per year) require emergency transportation (ambulance) to a hospital. Therefore, the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

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

The site is served by existing infrastructure. The site was previously reviewed for compliance with Chapter 530 Site Plan Review in 2009. At that time, staff had identified drainage issues over the existing public sidewalk adjacent to Logan Avenue South and had recommended re-establishing the interior boulevard, which is the area between the public sidewalk and the property line. To date this has not been corrected and staff is recommending that the city council require a condition of approval that the interior boulevard is restored with landscaping.

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

The minimum off-street parking requirement for a birth center is either one space per bed/birthing room or a minimum of four spaces, whichever is greater. The applicant is proposing two birthing rooms; therefore, the minimum off-street parking requirement of four spaces. The applicant is proposing to add four bicycle spaces and utilize the bicycle incentive, which reduces the off-street parking requirement to three spaces. Staff recognizes that there is a nonconforming parking area between the garage and the alley. The applicant is proposing to stripe the lot with two accessible spaces in this location. Staff finds that adequate measures have been taken to minimize traffic congestion in the public streets.

- 5. The conditional use is consistent with the applicable policies of the comprehensive plan.*

The proposed development would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.
- 1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.
- 1.5.3 Promote the preservation of traditional commercial storefronts wherever feasible.

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.
- 1.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

Economic Development Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base.

- 4.2.1 Promote access to the resources and information necessary for successful operation of healthy businesses.
- 4.2.2 Continue to link businesses with organizations that provide technical assistance and best practice models within the city.
- 4.2.5 Encourage small business opportunities, such as appropriate home occupations and business incubators, in order to promote individual entrepreneurs and business formation.

Public Services and Facilities Policy 5.7: Protect and improve individual, community, and environmental health.

- 5.7.1 Support the health of individuals through direct services, initiatives, research, and advocacy.
- 5.7.4 Implement regulations and incentives that ensure healthy homes, workplaces, and other environments.

- 6. *Conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

Staff finds that the proposed birth center will comply with the following specific development standards as required in Chapter 536 Specific Development Standards:

Birth center.

- (1) The operator shall submit a management plan for the facility and a floor plan showing delivery rooms, emergency exits and bathrooms.

- (2) 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.
- (3) 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 applicant has provided a copy of the management plan, which is attached to the staff report. There is no new construction or additions proposed to the building. The applicant is proposing to utilize the existing detached garage for prenatal yoga classes. In addition, the applicant is proposing to add a landscaped area and garden in the front yard along Logan Avenue North.

In addition to complying with the required findings for the conditional use permit, the proposed birth center will comply with the specific development standards. If the applicant seeks a conditional use permit in the future, and is not able to provide the equivalent of four off-street parking spaces, a variance to reduce the minimum off-street parking requirement will be required.

Interim Use Conditions

1. *The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.*

A birth center is a conditional use in the ORI Neighborhood Office Residence District.

2. *Except as otherwise authorized by this section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.*

The City Council may waive conditions that would apply to an interim use upon finding that the temporary nature of the interim use will eliminate the adverse effects that the condition was intended to prevent. The applicant is requesting that the following requirements be waived (applicable zoning code sections are referenced for each request). Given the temporary duration of the use, full compliance would not be practical.

- **Required off-street parking. (Table 541-1):** The minimum off-street parking requirement for a birth center is either one space per bed/birthing room or a minimum of four spaces, whichever is greater. The applicant is proposing two birthing rooms; therefore, the minimum off-street parking requirement of four spaces. The applicant is proposing to add four bicycle spaces and utilize the bicycle incentive, which reduces the off-street parking requirement to three spaces. Staff recognizes that there is a nonconforming parking area between the garage and the alley. The applicant is proposing to stripe the lot with two accessible spaces. If the applicant seeks a conditional use permit in the future, and is not able to provide the equivalent of four off-street parking spaces, a variance to reduce the minimum off-street parking requirement will be required.

3. *The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.*

The applicant has requested that the interim use permit be granted for five years from the date of approval by the city council, which would be October 9, 2020.

4. *In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.*

The property owner has agreed that in the event of a public taking of property after the interim use permit is granted, they shall not be entitled to compensation for any increase in value attributable to the interim use.

5. *Such conditions and guarantees as the city council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.*

Staff has requested that the city council consider requiring a condition to provide a landscaped area with a decorative fence or shrub, three feet in height, to screen the parking area from the public sidewalk adjacent to Logan Avenue North to improve the on-site infiltration and allow for an appropriate transition area between the proposed use and adjacent property.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Council adopt staff findings for the application by B. Aaron Parker for the properties located at 1901 44th Avenue North:

A. Interim Use Permit.

Recommended motion: **Approve** the interim use permit to allow a birth center.

1. The interim use shall expire no later than October 9, 2020.
2. To prevent water from draining across the sidewalk from the parking area and to prevent vehicles from parking on or over the interior boulevard between the public sidewalk and the property line, the parking spaces shall be oriented perpendicular to the alley and striped to show their location, the pavement in the Logan Avenue North interior boulevard right-of-way south of the curb cut shall be removed, and an on-site decorative fence or shrubs 3 feet in height shall be installed between the south side of the curb cut and the alley.
3. Site improvements shall be completed by October 9, 2017, unless extended by the Zoning Administrator.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Floor plans
5. Photos