

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Article VII, Conditional Use Permits, Article IX, Variances, Chapter 530 Site Plan Review.

Background: The applicant is proposing to construct a 3,403 square foot addition to an existing 3,293 square foot building in order to establish a new child care center on the property located at 5101 and 5103 (5105) France Avenue South. In order to construct the new two-story addition, a rezoning is required from the R1A district to the OR1 district. Child care centers are conditional uses in the OR1 district and are subject to specific development standards. A variance is needed as the development is subject to a front yard setback increase of approximately 49 feet, 4 inches along France Avenue South due to the location of the adjacent residential structure to the south and the applicant is proposing to locate the proposed building addition at approximately 22 feet, 10 inches. Site plan review is also required.

The applicant operates two similar bilingual child care centers/early childhood learning centers in Minneapolis; one is located at 3836 Minnehaha Avenue and the other at 3928 Nicollet Avenue. The proposed development would include a green roof on both the existing and proposed buildings as well as a roof-top play area for the children. The applicant also proposes to construct a roof water-harvesting ferrocement tank. Additionally, the facility would focus on green practices such as green cleaning supplies, cloth diapers, local organic and sustainable meals as well as UV light air purifiers in the building.

The project was continued from the November 15, 2010, Planning Commission meeting as the applicant chose to configure the layout of the proposed development. The applicant was able to redesign the site so that the off-street parking variance was no longer necessary; which is why the application was returned.

Staff has not received any official correspondence from the Fulton Neighborhood Association prior to the printing of this report. One neighborhood letter that was received is attached. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are located within an area designated as an urban neighborhood. The parcels are located across the street from the 50th and France designated Activity Center boundaries which terminate at 51st Street West, and approximately one block off of 50th Street West which is a designated Community Corridor in this location. As previously noted, a portion of the site is already zoned OR1, and the applicant proposes to rezone the remainder of the site to the OR1 district in order to construct an addition on to the existing building for the establishment of a new child care center. All surrounding properties to the south, east and northeast are zoned R1A. The properties to the west are not located within the City limits of Minneapolis. The properties to the north along France Avenue South are zoned C1 and C2. The uses within the area are varied and include various residential and commercial uses. The following relevant provisions of *The Minneapolis Plan for Sustainable Growth* apply to the proposal to rezone the subject property and redevelop the site as proposed:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to

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promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.6 of *The Minneapolis Plan for Sustainable Growth* states, “Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.”

The rezoning is generally consistent with the adopted policies of the comprehensive plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to the OR1 district could be considered both in the public interest and in the interest of the property owner, as it would allow for a uniform zoning classification on the site that allows for the proposed addition. Historically, the adjacent R1A zoned parcel has provided accessory parking for the existing structure. With the proposed rezoning the property would legal accommodate the accessory parking as well as allow an addition to the existing building. Typically, office residential zoning designations serve as transitional zoning districts. In this circumstance, the OR1 district would continue to provide a buffer to the surrounding residential uses.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The property that is proposed to be rezoned is zoned R1A. The parcel is located within an area designated as an urban neighborhood. As previously noted, a portion of the development site is already zoned OR1, and the applicant proposes to rezone the remainder of the site to the OR1 district in order to construct an addition on to the existing building for the establishment of a new child care center. All surrounding properties to the south, east and northeast are zoned R1A. The properties to the west are not located within the City limits of Minneapolis. The properties to the north along France Avenue South are zoned C1 and C2. The uses within the area are varied and include various residential uses and commercial uses. Given the surrounding zoning classifications and the uses in the area, Staff believes that the OR1 zoning district would be appropriate and compatible in this location.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R1A zoning district; however, the site that is proposed to be rezoned currently provides accessory parking for the existing structure and will continue to as part of the proposed development. Currently, the development site is split-zoned with both an OR1 and R1A zoning classification. Retaining the split zoning on the premises would essentially not allow the site improvements proposed by the applicant. Further, the request to rezone the property to the OR1 district is consistent with adopted policy. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject properties were zoned R1A. In 1976, 5101 France Avenue South was rezoned to the B2-1 (Neighborhood Retail) district in order to allow a gift shop. The areas to the south, east and northeast were all similarly zoned to what they are zoned today, as the properties were zoned R1A. The properties to the north along France Avenue South were zoned B3S-2 (Community Service District). There has been an ongoing change in the character and trend of development within the general area. France Avenue South is the boundary between the City of Minneapolis and the City of Edina. Staff believes that the rezoning request is reasonable, appropriate and is consistent with adopted policy.

CONDITIONAL USE PERMIT – a child care center.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Allowing a child care center on the premises would not be expected to be detrimental to or endanger the public health, safety, comfort or general welfare. The adaptive reuse, renovation and expansion of the existing building should benefit the surrounding area.

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.

The Planning Division does not believe that a child care center would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. The proposal to incorporate this type of neighborhood-oriented/serving use into the vicinity would be expected to contribute to the overall City goal of providing a wide range of goods and services for nearby residents.

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

The applicant would continue to work closely with the Public Works Department and with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. The project has not been through the required Preliminary Development Review (PDR) process prior to the printing of this report. The applicant is aware that all requirements from this process must be accommodated in the final plans.

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

Staff believes that adequate measures have been provided to minimize traffic congestion in the public streets as the development is meeting the minimum off-street parking requirement. The minimum automobile parking

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requirement for child care centers is 1 space per 500 square feet of gross floor area plus 2 drop-off spaces. Based on the gross floor area of the building with the proposed addition at 6,694 square feet, a total of 13 off-street parking spaces would be required. The project qualifies for the bicycle incentive for nonresidential uses as outlined in Section 541.220, resulting in a reduction of one off-street parking space. Therefore a total of 12 off-street parking spaces are required for the proposed development. The development complies as a total of 12 parking spaces are provided. The applicant is also proposing to locate two on-street drop-off spaces as required along 51st Street West which meets the requirement.

5. Is consistent with the applicable policies of the comprehensive plan.

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed site plan review application as well.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, conditional use permit, variance, site plan review and compliance with the specific development standards for a child care center, this development would meet the applicable requirements of the OR1 district. The specific development standards for a child care center are as follows:

- (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.
- (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.

VARIANCE – from 49 feet, 4 inches to approximately 22 feet, 10 inches to allow the proposed building addition

Findings as Required by the Minneapolis Zoning Code for the Variances:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The property could likely not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning code would cause undue hardship. Typically, a front yard setback of 15 feet is required in the OR1 district; however, the property is subject to a front yard increase due to the location of the residential structure to the south which is approximately 49 feet, 4 inches from the front property line along France Avenue South. The existing structure on the development site is located approximately 23 feet, 3 inches from the property line at the closet point along France Avenue South and the building addition as proposed is designed to nearly match that existing setback as it is proposed to be located at 22 feet, 10 inches. The addition as proposed extends approximately 43 feet, 6 inches along the France Avenue South frontage. Requiring that the proposed

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addition comply with the required setback of 49 feet, 4 inches would prevent the applicant from constructing an addition to the building as the existing surface parking lot at the rear of the lot is proposed to remain intact. Further, it would result in an irregular street facing building elevation along France Avenue South. In order to allow a similarly sized addition that would be compliant with the required setback, the existing parking lot would need to be removed. This would create other issues as the development would no longer be compliant with the minimum parking requirement for the use. Because the applicant is proposing modifications to a site that has an existing structure and an existing surface parking lot, there are limitations in regard to where the proposed building addition could be located on the premises.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

The circumstances could be considered unique to the parcel of land as the applicant is attempting to redevelop a site with an existing structure and existing surface parking lot as well as construct an addition on to that structure. The proposed location of the building addition which has been designed to match into the existing façade is the most appropriate based on the existing site constraints.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Granting the variance to allow a reduction in the front yard setback requirement would likely be in keeping with the spirit and the intent of the ordinance. Further, granting the variance for the proposed development would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As previously noted, the subject site is located across the street from a designated Activity Center and across the street from the City of Edina. The area supports both commercial and residential uses. The subject site is adjacent to single family dwellings on both the east and south sides of the site. The building addition as proposed would align with the front edge of the existing building. Landscaping would be provided between the addition and the adjacent dwelling to the south.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Staff believes that the granting of the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot,

provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

The proposal is to add an approximate 3,403 square foot addition to the existing south elevation of the structure. The proposed addition is subject to a front yard setback of 49 feet, 4 inches and the applicant proposes to construct the addition 22 feet 10 inches from the property line along France Avenue South. The structure as it currently exists has the principal entrance facing the public street along France Avenue South. With the proposed building addition, the principal entrance would remain in the same location and an additional principal entrance would be located off of the surface parking lot at the interior of the site. The design of the addition also maximizes natural surveillance and visibility, as well as facilitates pedestrian access. The area between the building and the public streets would have new shrub and tree plantings along both street frontages.

The existing building is located at the corner of 51st Street West and France Avenue South. Because this is an existing building, it is not subject to the 30% window requirement. The proposed addition to the building which is located on the south side of the site incorporates windows that exceed the 30% window requirement along the west elevation facing France Avenue South as approximately 51% are provided within the addition. The east elevation of the proposed addition is also subject to the 30% window requirement as it faces an on-site parking lot. The east elevation of the building also complies with the window requirement as approximately 37% are provided. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The windows are vertical in proportion and more or less evenly distributed.

The 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking lot is being met with the proposal.

The exterior materials would be compatible on all sides of the building. The applicant is proposing that the exterior of the existing structure be refaced to match the proposed building addition which will be composed of stucco and stone.

The building complies with the active functions provision as outlined above.

The proposed building form and the pitch of the roof line is compatible with the existing building and the buildings within the area. The proposed roof line would be flat, and a two-story building would be compatible with other structures in the vicinity. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on any of the elevations.

There is an existing 12 space surface parking lot located on the subject site that is accessed via 51st Street West. No parking garage is proposed as part of the development.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

There are two principal entrances to the structure. One of those entrances is located off of France Avenue South and the other is located off of the surface parking lot at the interior of the site. Other points of ingress/egress to the building that are both existing and proposed would be located on the north and east elevations. The principal entrances and all other points of ingress/egress would be linked via a sidewalk and stairs to the public sidewalk.

The site is not immediately adjacent to a transit stop however it is in relative close proximity to several bus lines.

The existing development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The proposed addition should not have any substantive impacts.

There would unlikely be significant traffic impacts on the adjacent residential properties as a result of the proposed 3,403 square foot addition. The surrounding property is a mix of residential and commercial type uses, and the proposed addition would not be expected to have significant impacts on the adjacent uses.

There is no public alley adjacent to the site.

Overall, the site has been designed to minimize the use of impervious surfaces through landscaping as approximately 27% of the site not occupied by buildings is landscaped.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**

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- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The proposal meets the 20% landscape requirement. The total site area is 13,474 square feet or .31 acres and the proposed building footprint in combination with the existing footprint on the site would be 3,399 square feet. A total of 2,015 square feet of landscaping would be necessary to meet the 20% requirement. The applicant proposes to install approximately 2,726 square feet of landscaping or approximately 27% of the site not occupied by buildings. The zoning code requires that there be at least 4 trees and 21 shrubs. The applicant is proposing to provide a total of 5 trees (2 trees exist on the premises) and 53 shrubs. The proposal is meeting the minimum landscape quantity requirements.

The parking lot is an existing condition on the premises. The on-site surface parking lot requires a 7-foot landscaped yard adjacent to the north property line along 51st Street West (a 10-foot yard is provided so that parking is not located in the required corner side yard), the east property line and the south property line. The proposal meets this requirement along the north and east property lines. The proposal is not meeting this requirement adjacent to the south property line. Alternative compliance would be necessary. Due to the configuration of the existing parking lot, the applicant would need to tear up the existing parking lot in order to meet the 7-foot yard requirement. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance. Screening is also required adjacent to the north, south and east property lines. Alternative compliance would be necessary as this provision is not being met. The applicant is proposing additional landscaping along the north and east property lines but it does not form a continuous hedge. Planning Staff would recommend that the Planning Commission require compliance with this provision along the north and east property lines. It would not be practical to require the applicant to comply with this requirement along the south property line due to the configuration of the parking lot. However, the applicant is proposing to remove an existing wood fence and install a decorative wrought iron fence in its place. In order to mitigate headlights and the visibility of vehicles so close to the residential structure to the south, Planning Staff would recommend that the Planning Commission require that a solid fence be required adjacent to the surface parking lot along the south property line. Planning Staff would therefore recommend partial compliance in this circumstance with this provision. No parking space is located more than 50 feet from the center of an on-site deciduous tree. There is one existing tree island within the parking lot; it complies with the minimum width of 7 feet. The surface parking lot meets the 25 foot linear tree requirement along 51st Street West.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**

- **Natural surveillance and visibility**
- **Lighting levels**
- **Territorial reinforcement and space delineation**
- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

There is an existing 12 space surface parking lot located on the subject site that is accessed via 51st Street West. The existing parking lot is defined by a 6 inch by 6 inch continuous concrete curb. The applicant has been encouraged to explore the potential of on-site retention and filtration.

Staff would not expect the proposed addition to result in the significant blocking of views, shadowing of public space or adjacent properties. Additionally, Staff would not expect the proposed building to have significant impacts on light, wind and air in relation to the surrounding area.

The project has not been through the required Preliminary Development Review (PDR) process prior to the printing of this report. The applicant is aware that the plans must incorporate all applicable alterations as requested by Public Works.

Planning Staff would expect to review a detailed lighting plan upon submission of final plans. The site has been developed in such a manner that it appears to adhere to the crime prevention standards outlined in the Zoning Code. The site appears to have adequate site lighting and the majority of the window openings that are provided allow for adequate natural surveillance and visibility.

There are no historic structures on the premises. The applicant proposes to renovate the existing structure that is currently located on the property.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE - The proposed use is conditional in the OR1 District.

With the approval of the rezoning, conditional use permit, variance and site plan review this development would meet the requirements of the OR1 zoning district.

Parking and Loading:

Minimum automobile parking requirement: The minimum automobile parking requirement for child care centers is 1 space per 500 square feet of gross floor area plus 2 drop-off spaces. Based on the gross floor area of the building with the proposed addition at 6,694 square feet, a total of 13 off-street parking spaces would be required. As noted below, the project qualifies for the bicycle incentive for nonresidential uses as outlined in Section 541.220, resulting in a reduction of one off-street parking space. Therefore a total of 12 off-street parking spaces are required for the proposed development. The development complies as a total of 12 parking spaces are provided. The applicant is also proposing to locate two on-street drop-off spaces as required along 51st Street West which meets the requirement.

Maximum automobile parking requirement: The maximum automobile parking requirement for child care centers is 1 space per 200 square feet of gross floor area and up to 4 drop-off spaces. Based on the gross floor area of the building with the proposed addition at 6,694 square feet, a total of 33 off-street parking spaces would be the

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maximum. A total of 12 surface parking spaces would remain on the site, with two drop-off spaces proposed on 51st Street West which does not exceed the parking maximum.

Bicycle parking requirement: Chapter 541 requires a total of 3 bicycle parking spaces for child care centers. The applicant is proposing to provide parking for 10 bicycles qualifying the nonresidential project for a reduction in one off-street parking space. Not less than 50% of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

Loading: There is no minimum off-street loading requirement for child care centers.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The dumpster enclosure is located adjacent to the east elevation of the building and meets the screening requirements.

Signs: Any new signage is required to meet the requirements of the code. A separate permit will need to be attained through the Zoning Office for any new signage on the subject site.

Lighting: All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541, and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for child care centers in the OR1 District is the gross floor area of the building which would be 9,761 square feet with the proposed addition divided by the area of the lot which is 13,474 square feet. The outcome is .72 which is less than the maximum of 1.0 that is permitted in the OR1 District.

Minimum Lot Area: The minimum lot area for a child care center in the OR1 district is 4,000 square feet. The subject parcel conforms to the minimum lot area requirement as it is 13,474 square feet in size.

Dwelling Units per Acre: Not applicable for the existing/proposed development.

Height: Maximum building height for principal structures located in the OR1 District is 2.5 stories or 35 feet, whichever is less. The proposed addition would match the height of the existing structure as the addition would be 2 stories or 27 feet tall with an additional 3 foot tall decorative fence on top to screen in the roof-top play area.

Yard Requirements: The required yards are as follows:

- *Front yard requirement (France Avenue South): 49 feet, 4 inches- subject to a front yard increase per Section 547.160(b) (applicant is proposing to vary this requirement to 22 feet, 10 inches).*
- *Corner side yard (51st Street West) = 10 feet*
- *Rear/Interior side yard (5+2x): 7 feet*

Building coverage: The maximum building coverage in the OR1 District is 70 percent. Buildings would cover approximately 25 percent of the lot.

Impervious surface area: The maximum impervious surface coverage in the OR1 District is 85 percent. Impervious surfaces would cover approximately 64 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed site plan review application as well.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant to meet the following standards:

7-foot landscaped yard: The on-site surface parking lot requires a 7-foot landscaped yard adjacent to the north property line along 51st Street West (a 10-foot yard is provided so that parking is not located in the required corner side yard), the east property line and the south property line. The proposal meets this requirement along the north and east property lines. The proposal is not meeting this requirement adjacent to the south property line. Alternative compliance would be necessary. Due to the configuration of the existing parking lot, the applicant would need to tear up the existing parking lot in order to meet the 7-foot yard requirement. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance.

Screening requirements: Screening is also required adjacent to the north, south and east property lines. Alternative compliance would be necessary as this provision is not being met. The applicant is proposing additional landscaping along the north and east property lines but it does not form a continuous hedge. Planning Staff would recommend that the Planning Commission require compliance with this provision along the north and east property lines. It would not be practical to require the applicant to comply with this requirement along the south property line due to the configuration of the parking lot. However, the applicant is proposing to remove an existing wood fence and install a decorative wrought iron fence in its place. In order to mitigate headlights and the visibility of vehicles so close to the residential structure to the south, Planning Staff would recommend that the Planning Commission require that a solid fence be required adjacent to the surface parking lot along the south property line. Planning Staff would therefore recommend that the Planning Commission require partial compliance in this circumstance.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 5103 (5105) France Avenue South from the R1A district to the OR1 district.

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 **approve** the conditional use permit application for a child care center on the properties located at 5101 and 5103 (5105) France 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. The applicant shall pursue designation of two on-street loading spaces.
3. The child care center shall comply with the specific development standards as outlined in Section 536.20 of the Zoning Code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the variance application of the front yard setback requirement along France Avenue South from approximately 49 feet, 4 inches to approximately 22 feet, 10 inches to allow the proposed building addition on the properties located at 5101 and 5103 (5105) France Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The variance of the off-street parking requirement has been **returned**.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

1. ZZ

Attachments:

Department of Community Planning and Economic Development – Planning Division
BZZ-5001

1. Rezoning Matrix
2. Statement of use and description
3. Findings - conditional use permit and variance
4. Correspondence
5. Zoning Map
6. Civil, site, landscaping, floor plans, and elevations