

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-4596

**Date:** November 30, 2009

**Applicant:** Fowizio Harum

**Addresses of Property:** 624 East Lake Street

**Project Name:** Kaah Adult Day Services

**Contact Person and Phone:** Fowizio Harum, (612) 388-0331

**Planning Staff and Phone:** Hilary Dvorak, (612) 673-2639

**Date Application Deemed Complete:** November 2, 2009

**End of 60-Day Decision Period:** January 1, 2010

**End of 120-Day Decision Period:** Not applicable for this application.

**Ward:** 6      **Neighborhood Organization:** Phillips West

**Existing Zoning:** C1, Neighborhood Commercial District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 25

**Legal Description:** Not applicable for this application.

**Proposed Use:** Development achievement center

**Concurrent Review:**

**Conditional use permit:** for a development achievement center (adult day care).

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

**Background:** The applicant is proposing to establish a development achievement center (adult day care) at 624 East Lake Street. Kaah Adult Day Services provides services to a primarily elderly population that needs assistance with daily living activities. There are three levels of service depending on the physical and mental health status of the participant. The development achievement center will occupy the entire building on the site. The applicant has indicated that no changes will need to be made to the building in order to operate the use at this site because the building was recently remodeled by the building owner.

Parking lots of more than four parking spaces are subject to the landscaping, screening and curbing requirements of Chapter 530, Site Plan Review. When improvements are made to a parking area the site is also subject to review by Public Works, Police and Fire. In this case the existing parking spaces and drive aisle do not meet the dimensional requirements of Chapter 541, Off-Street Parking. Given this, if the required landscaping, screening and curbing were to be installed the parking spaces and drive aisle would be made even less conforming as to the dimensional requirements of Chapter 541, Off-Street Parking. The Planning Division is recommending that in lieu of installing a seven-foot wide landscape buffer along East Lake Street that a four foot high decorative fence be installed along the front property line. Since the decorative fence would be located immediately adjacent to the parking spaces the Planning Division is also recommending that wheel stops be installed towards the front of each parking space. In order to provide pedestrian access to the building without having to walk through the adjacent public alley the Planning Division is also recommending that there be a break in the fencing to provide a pedestrian walkway from the public sidewalk to the building entrance. The pedestrian walkway should be striped.

**CONDITIONAL USE PERMIT:** for a development achievement center (adult day care)

**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:

**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 Planning Division does not believe that approving a conditional use permit for a development achievement center would be detrimental to or endanger the public health, safety, comfort or general welfare. The development achievement center will occupy a vacant commercial building.

**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 or orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division does not believe that approving a conditional use permit for a development achievement center will 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 development achievement center will be open Sunday through Friday from 8 am until 5 pm. There will be up to 40 participants served at any one time. Adult day care facilities are licensed by the Department of Human Services.

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

The applicant will be working closely with the Public Works Department, 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.

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

The parking requirement for a development achievement center is “not less than one space for each 500 square feet of gross floor area plus two drop off spaces”. The building is 2,220 square feet in size. The parking requirement for the use is four spaces plus two designated drop off spaces. There is room for six parking spaces on site. The parking lot would be accessed from the adjacent public alley.

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

The site is located on East Lake Street just west of Park Avenue. East Lake Street is designated as a Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as mixed-use. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- 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 (Land Use Policy 1.10).
- 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 (Implementation Step for Land Use Policy 1.10).
- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).

The Planning Division believes that with the improvements to the parking lot that this development will be in compliance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

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

- **Use:** Development achievement centers are a conditional use in the C1 zoning district.
- **Off-Street Parking and Loading:**

**Minimum automobile parking requirement:** The minimum parking requirement for a development achievement center is “not less than one space for each 500 square feet of gross floor area plus two drop off spaces”. The building is 2,220 square feet in size. The minimum parking requirement for the use is four spaces plus two designated drop off spaces. There is room for six parking spaces on site. The parking lot is not currently striped. The Planning Division is recommending that the parking lot be striped with six, 90-degree parking spaces. The Planning Division is also recommending that two of the on-site parking spaces be designated as drop off spaces.

**Maximum automobile parking requirement:** The maximum parking requirement for a development achievement center is one space per 200 square feet of gross floor area plus four drop off spaces. The building is 2,220 square feet in size. The maximum parking requirement for the use is 11 spaces plus four designated drop off spaces. There is room for six parking spaces on site.

**Bicycle parking requirement:** Existing buildings have grandfathered rights from the bicycle parking requirements.

**Loading:** There is no loading requirement for a development achievement center.

- **Maximum Floor Area:** No changes are proposed to the size of the building.
- **Building Height:** No changes are proposed to the height of the building.
- **Minimum Lot Area:** No changes are proposed to the size of the lot.
- **Yard Requirements:** No changes are proposed to setbacks.
- **Maximum lot coverage:** No changes are proposed to the size of the building.
- **Maximum impervious surface:** No changes are proposed to the amount of impervious surface on the site.
- **Specific Development Standards:** Development achievement centers are subject to specific development standards:

**Development achievement center:**

- 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.
- **Hours of Operation:** The hours of operation for the C1 District are Sunday through Thursday, 6 am to 10 pm, and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the use will be open Sunday through Friday from 8 am until 5 pm
- **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 16 square feet in size. The height limitation for both wall signs and projecting signs is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant has not submitted a sign plan.

- **Refuse storage:** The applicant has not shown where on the site the refuse storage containers will be located.
- **Lighting:** Lighting exists at the site.

**RECOMMENDATIONS:**

**Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a development achievement center (adult day care) located at 624 East Lake Street 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. A four foot high decorative fence shall be installed along the front property line along East Lake Street.
3. Wheel stops shall be installed towards the front of each parking space.
4. There shall be a break in the fencing to provide a pedestrian walkway from the public sidewalk to the building entrance. The pedestrian walkway shall be striped.
5. The parking lot shall be striped with six, 90-degree parking spaces.
6. Two of the on-site parking spaces shall be designated as drop off spaces.

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**Attachments:**

1. Statement of proposed use
2. Responses to the conditional use permit findings
3. October 6, 2009, e-mails to Council Member Lilligren and the Phillips West Neighborhood
4. Zoning map
5. Site plan, floor plan and elevations
6. Photos of the site