

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5103

Date: April 11, 2011

Applicant: Maria Perez-Gali

Address of Property: 2830 Cedar Avenue South

Project Name: Circulo De Amigos Daycare Center

Contact Person and Phone: Wayne Palmer, (607) 331-4526

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

Date Application Deemed Complete: March 8, 2011

End of 60-Day Decision Period: May 7, 2011

Ward: 9 **Neighborhood Organization:** East Phillips Improvement Coalition

Existing Zoning: R5 Multiple 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.
- **Shared parking** (administratively reviewed).

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits and Chapter 541, Article IV Reducing Off-Street Parking Requirements.

Background: The applicant is proposing to establish a child care center in the existing building located at the property of 2830 Cedar Avenue South. The applicant anticipates that 80 children would be enrolled and 15 staff persons would be employed. The building was last used for offices. Proposed site modifications include removing asphalt in part of the existing parking area to provide a playlot, striping and curbing the remaining parking area, and creating a grass play area in front of the building. The building is located in a R5 Multiple Family District where a child care center is a conditional use. 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, East Phillips Improvement Coalition, was received and attached to this report. Staff will forward 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. The subject site abuts two properties that are occupied by nonresidential uses. Residential uses are located across the alley. The site is also north of the Midtown Greenway. The policies of *The Minneapolis Plan for Sustainable Growth* support a small scale neighborhood service, such as a child care center, in this location. The applicant has indicated that 15 jobs would be created for people in the neighborhood. The proposed site plan will increase the amount of pervious and landscaped area on the site.

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 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 6,224 square feet. Therefore a minimum of 14 parking spaces, including the two drop-off spaces, are required. The parking lot behind the building will accommodate 7 spaces including two drop-off spaces and an accessible space. To meet the minimum requirement, the applicant will lease 8 parking spaces from a place of assembly located at the property of 2922 Cedar Avenue South. Chapter 541 Off-Street Parking and Loading of the zoning code authorizes off-site parking up to 500 feet away for a child care center. It also authorizes a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. The lease arrangement complies with these provisions. The applicant has indicated that the shared parking at 2922 Cedar Avenue would be used by employees.

Alternative transportation options would also be available. A minimum of 3 bicycle parking spaces are required for a child care center. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required 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. In addition, 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. Six bicycle spaces are proposed, but they will need to be relocated to be within 50 feet of a principal entrance. Access to the Midtown Greenway is less than one block from the site on 18th Avenue. Four bus routes are located within two blocks from the site. The site is a little over ½ mile (walking distance) from the Hiawatha Lake LRT station as well.

The parking area behind the building is accessed from the alley. With the existing building location, street access to the parking area is not an option. Designated drop-off spaces on Cedar Avenue are also not an option because on-street parking is not allowed in the evening when most parents would be picking up their children. Peak drop-off and pick-up times are anticipated to occur between 7:00 a.m. and 9:00 a.m. and between 4:30 p.m. and 5:30 p.m. respectively. To prevent congestion, the applicant has indicated that all on-site parking spaces would be available for parents and information will be provided to make the drop-off/pick-up quick and efficient.

These measures should be adequate to minimize traffic congestion in the public streets.

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. Cedar Avenue is designated as a community corridor. According to the principles and polices outlined in the plan, the following apply to this proposal:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

Applicable Implementation Step

1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

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 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.

Applicable Implementation Step

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

The site is also located within the *Midtown Greenway Land Use and Development Plan* (adopted by the City Council in 2007). This plan generally supports high density housing on this site as well as on properties abutting the Greenway.

Staff comment: The previous use of the site was office. The proposed child care center would provide a small scale neighborhood service on a designated community corridor. The use would be consistent with the applicable policies of the comprehensive plan.

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.
- (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 was previously used for offices; therefore, the use would be located in a nonresidential structure built before the adoption of these development standards. Two drop-off spaces would be provided in the parking area behind the building. No play equipment is shown on the site plan. If play equipment is proposed, it will need to comply with the above standards. Three small infill additions and a new terrace on the back of the building are proposed. These modifications would be compatible with the existing scale and character of the building as well as the surrounding neighborhood buildings. Landscaping and screening will be installed between the parking area and the alley to provide a transition area. Fencing will also be provided around the play areas.

Child care centers located in the R5 district are required to have at least 4,000 square feet of lot area and are subject to a maximum floor area ratio (FAR) of 1.0. The lot area is approximately 12,047 square feet. With a GFA of 6,224 square feet, the proposed FAR is approximately 0.5.

The maximum lot coverage and impervious surface coverage in the R5 district is 70 percent and 85 percent respectively. The building covers approximately 27 percent of the site. The proposed amount of impervious surface would cover approximately 53 percent of the site.

In the R5 district, front, interior side, and rear yards are required. A front yard is required adjacent to the east lot line along Cedar Avenue. The requirement is established by the setbacks of the nearest structures designed for principal uses on the same block face or 15 feet, whichever is greater. The proposed 4-foot high vinyl coated chain link fence is a permitted obstruction. A 5 foot wide interior side yard is required adjacent to the north and south lot lines and a 5 foot wide rear yard is required adjacent to the west lot line. The existing parking area encroaches into these yards. The applicant is proposing to remove most of the parking area within the interior side and rear yards; however, 4 parking spaces will continue to extend into the north side yard. Because the parking area was established before the zoning code did not allow parking in required side yards, nonconforming rights for the parking location exist. The proposed 4-foot high vinyl coated chain link fence in the south side yard and rear yard is a permitted obstruction. The driveway providing access to the alley is also a permitted obstruction.

Modifications will be made to the parking area to bring it closer to full compliance with zoning code requirements. The proposed parking lot layout meets the parking space and aisle dimensions set forth in Table 541-4, with the exception of the drive aisle width behind the accessible parking space. The width will need to be increased to 22 feet. All maneuvering will occur on-site as required by section 541.290 of the zoning code. The existing parking lot does not comply with section 541.360 and Chapter 530 landscaping, screening, and curbing requirements for parking lots. A landscaped yard 7 feet wide is required where a parking area abuts or is across an alley from a residentially zoned property. Screening that is 6 feet tall and 95 percent opaque is also required in this yard. All of the surrounding properties are residentially zoned. The parking lot was established before these regulations existed with no landscaped yards. The applicant is proposing to establish a 7 foot wide landscaped yard with shrubs that at maturity would provide sufficient screening between the alley and the parking. A landscaped yard between the north lot line and the parking area is not proposed because a commercial building is directly adjacent to that area. Requiring additional landscaping at this time would not be practically and economically feasible and would eliminate required parking. Wheel stops or discontinuous curbing that allow the on-site filtration of stormwater are required in the parking lot. Wheel stops are proposed.

Fencing is subject to the standards of Article VI in Chapter 535 of the zoning code. A 4 foot high, vinyl coated chain link fence is proposed between the building and the front lot line. In a required front yard, the maximum height of a fence is 4 feet if the fence is constructed of open, decorative, ornamental fencing (including vinyl coated chain link) that are less than 60 percent opaque. A 4-foot high fence is also proposed around a play area behind the building. Fences in required interior side and rear yards can be up to 6 feet in height.

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 would be located behind the building. A 6-foot high wood fence enclosure would sufficiently screen the refuse storage area.

A freestanding sign exists in the southeast corner of the property. The applicant has indicated that no new signage is proposed. Any new signage or refacing of the existing sign will require Zoning Office review, approval, and permits.

With the approval of the conditional use permit and implementation of the 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 property of 2830 Cedar 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 use shall comply with the development standards for a child care center as required by section 536.20 of the zoning code. On the site plan, the applicant shall specifically identify that no play equipment will be located in the play area located between the building and Cedar Avenue.
3. The bicycle parking shall comply with the standards of section 541.180 of the zoning code.
4. A drive aisle at least 22 feet in width shall be provided for on-site parking spaces as required by section 541.330 of the zoning code.
5. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site and landscape plans.
6. Site improvements required by the zoning code or by the City Planning Commission shall be completed by April 11, 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