

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4297

Date: February 2, 2009

Applicant: Masjid An’Nur

Address of Property: 1729 Lyndale Ave N

Project Name: Meisa Group, Adult Day Care Center

Contact Person and Phone: Makram N. El-Amin, (612) 521-1749

Planning Staff and Phone: Jessica Thesing, (612) 673-5887

Date Application Deemed Complete: January 8, 2009

End of 60-Day Decision Period: March 9, 2009

Ward: 5 **Neighborhood Organization:** Northside Residents Redevelopment Council

Existing Zoning: R2B Two Family District

Zoning Plate Number: 13

Lot area: 36,300 square feet

Proposed Use: Development Achievement Center (adult daycare)

Application Type: A Conditional Use Permit to allow for a development achievement center (adult day care) within an existing place of assembly in the R2B-Two Family District.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits; Chapter 536.20: Specific Development Standards; Chapter 546: Residence Districts.

Background: Masjid An-Nur is a mosque that has operated at the 1729 Lyndale Ave N location since 1995. Representatives of Masjid An-Nur applied for and were approved a conditional use permit to increase the height of the minaret from 35 to 60 feet and 6 variances to allow for the approximate 6,000 square foot expansion of the approximate 3,900 square foot building (BZZ 2032) back in 2004. Additional past conditional use permit applications for the associated parking lot were approved in 1976 (C-472) and 1982 (C-762). At this time, Makram N. El-Amin on behalf of Masjid An-Nur is applying for a conditional use permit to share the building with an adult day care program operated by Meisa Care Group, LLC.

According to the applicant statement attached to this report, Meisa Care Group, LLC will provide a variety of social and supportive care services to clients that will enable families and other caregivers to continue caring at home for family members with impairments. Meisa Care Group, LLC will operate the proposed adult daycare with approximately eight to ten employees and will serve approximately fifty to sixty elderly clients per shift. Transportation services will be provided to and from the center and the hours of operation proposed are Monday through Thursday from 8:00 a.m. to 8:00 p.m. and Saturday and Sunday from 8:00 a.m. to 8:00 p.m. The adult daycare is proposed to be closed on Fridays.

An adult daycare is defined by the City of Minneapolis Zoning code as a Development Achievement Center; a facility in which a program of care, supervision, training or habilitation services that is licensed by the Minnesota Department of Human Services (DHS) is provided to functionally impaired persons for less than twenty-four (24) hours per day. Because a development achievement center is a conditional use within the R2B-Two Family District, a conditional permit is required for this proposal to be legally established.

Notification and Correspondence: City staff sent notices for this project on January 9, 2009. The applicant also sent an email to both Council Member Samuels and the Northside Neighborhood Redevelopment Council dated December 17, 2008. Further correspondence if received will be forwarded to the City of Minneapolis Planning Commission for review.

CONDITIONAL USE PERMIT –To allow for a development achievement center within an existing place of assembly in the R2B-Two Family District.

Required Findings for the Conditional Use Permit:

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

The proposed adult daycare program will occupy approximately 4,411 square feet within the existing place of assembly within district allowed hours of operation. There is no indication that using the existing space used for the adult daycare program would be detrimental to the public health, safety, comfort or general welfare.

- 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.**

There are no proposed changes to the structure; therefore, there should not be any significant impact on the surrounding property. Allowing an adult daycare program within an existing place of assembly should not impede normal or orderly development nearby. The two principal uses; the existing place of assembly and the proposed adult daycare, will likely occur at opposite times during the week and share the use of the existing parking facility, which should not increase the amount of traffic to the site. Meisa Care Group, LLC will provide transportation for the elderly clients to and from the center within a 30 mile radius.

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

Allowing an adult daycare within an existing building will not have a significant impact on the building's use of facilities and utilities. Adequate utilities, access roads, drainage, and other facilities are provided.

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 (adult daycare) is 1 space per 500 square feet of floor area in addition to 2 drop off spaces. The parking requirement for the place of assembly is parking equal to 10% of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or video unity. The size of the auditorium according to the applicant is 2,430 square feet and thus the parking requirement for the church is 19 spaces. The adult daycare proposes to use the auditorium in addition to approximately 1,531 of additional square footage and therefore, the additional parking requirement is 3 plus 2 drop off spaces. Therefore, the total requirement for both uses in the building is 24. An existing accessory surface parking lot with approximately 53 legal spaces exists on the west portion of the lot. A variance was approved to reduce the parking requirement from 58 to 53 back in 2004 however recent zoning code amendments have significantly reduced the amount of parking required for these uses. The existing parking facility provides sufficient parking for both uses and therefore, adequate measures have been or will be provided to minimize traffic congestion in the public streets.

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

The Masjid An-Anur mosque is proposing to share their building with a program that provides a life cycle care alternative to maturing Minneapolis residents. In addition, the mosque will be sharing rooms, common areas, outdoor areas, and the parking lot, with the proposed adult day care program creatively maximizing underutilized space within the existing building. Although not yet adopted, The Minneapolis Plan for Sustainable Growth classifies the subject property as "urban neighborhood" within the land use chapter. Areas classified as "urban neighborhood" are predominantly residential areas with a range of densities that may include other small-scale uses, including neighborhood serving commercial, and institutional and semipublic uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. Both a place of assembly and a development achievement center are supportable uses within this category.

The proposed use is in conformance with the policies of *The Minneapolis Plan*.

***The Minneapolis Plan*, has the following applicable policies:**

The Minneapolis Plan, Chapter 1.2 states: "Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods." One of the implementation

plans for this section of the plan is to “encourage not-for-profit and places of worship to increase resident access to and use of facilities and meeting places.”

The Minneapolis Plan, Chapter 6.3 states: “Minneapolis will offer a diverse range of programming and recreational facilities for resident use.

The Minneapolis Plan, Chapter 9.23 states: “Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

The proposed use is in conformance with the policies of the soon to be adopted *The Minneapolis Plan for Sustainable Growth*.

***The Minneapolis Plan for Sustainable Growth*, has the following applicable policy:**

The Minneapolis Plan for Sustainable Growth, Chapter 1.8.2 states: “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.

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.

As previously stated, the subject property went through a series of applications in 2004 in order to add an approximate 6,000 square foot expansion to the existing building. A condition of approval for one of the variances stated, “The parking lot shall be landscaped and screened as required by section 530.160 (b) of the zoning code. The approved site plan (#7845) has not been implemented to date. Since this was a condition of approval, staff is requiring that these improvements be made in accordance with the previously approved site plan. The applicant has sent a letter dated January 6, 2009 indicating that the improvements will be made in the summer of 2009.

In addition, the applicant must comply with the following specific development standards found in Chapter 536.20:

Developmental achievement center. *In the residence and ORI Districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance, or nursing home.*

The proposed project complies with the stated development standard because it is proposed within an existing place of assembly.

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 the Masjid An-Nur mosque to utilize its facilities for a development achievement center to be located within the existing building at 1729 Lyndale Ave N, subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site plan.
2. The development achievement center must be licensed by the Minnesota Department of Human Services (DHS).
3. 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.
4. The applicant must comply with the previously approved site plan #7845 as required as a condition of previous land use approvals (BZZ 2032) in 2004.
5. The applicant must meet all applicable zoning code requirements in the district in which the use is located. This includes signage and changes to the parking area if proposed such as striping or reconfiguration of stalls; applicant must meet the Parking Area Design and Maintenance Standards in Article VII of chapter 541 of the zoning code.
6. At least two parking spaces shall be provided within the existing parking lot or on-street with the permission of the City Engineer appropriately labeled as “drop off” spaces.

Attachments:

1. Statement of use and Findings
2. Copy of emails sent December 17, 2008 to CM Don Samuels and the Northside Neighborhood Redevelopment Council.
3. Site Plan and Floor Plans
4. Letter from Minnesota Department of Human Services
5. Zoning map
6. Photos