

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits  
BZZ – 2035

**Date:** November 8, 2004

**Applicant:** Dr. Diane Thibodeaux

**Address of Property:** 1915-1919 W. Broadway, 2000 – 21<sup>st</sup> Ave. N.

**Project Name:** Agape Child Development Center

**Contact Person and Phone:** David Nelson, (612) 371-7458

**Planning Staff and Phone:** Jason Wittenberg, (612) 673-2297

**Date Application Deemed Complete:** October 13, 2004

**End of 60-Day Decision Period:** December 12, 2004

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

**Existing Zoning:** R5

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

**Zoning Plate Number:** 7

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

**Proposed Use:** Child care facility operating 24-hours per day

**Concurrent Review:**

- Conditional use permit to allow a child care center serving up to 101 children
- Conditional use permit to extend the maximum hours open to the public to allow 24-hour per day operation of a child care facility

**Applicable zoning code provisions:**

Table 546-1 Principal Uses in Residence Districts  
Section 546.60 (3) *Hours open to the public*

**Background:** The applicant proposes to operate a child care facility from an existing building located at the southwest corner of W. Broadway and Newton Ave. N. The use previously operated as a child care facility, which apparently ceased operating within the past year. The applicant would move their existing facility at 3110 Emerson Ave. N. to this site.

The Planning Commission and City Council originally granted a conditional use permit in 1987 (C – 1004) to allow a child care facility serving up to 50 children. Subsequently a conditional use permit was granted in 1993 (C-1535) to allow an addition and to expand the number of children served to 74. The applicant, who is not affiliated with the previous child care provider, now proposes to serve up to 101 children and, with a conditional use permit, would operate 24-hours per day. The maximum hours of non-residential uses in residence districts, without a conditional use permit, is 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday.

**CONDITIONAL USE PERMIT TO ALLOW A CHILD CARE FACILITY SERVING UP TO 101 CHILDREN -**

**Required Findings for the Conditional Use Permit:**

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

A child care facility with a properly fenced and secured playground that meets accepted licensing standards for childcare centers would likely not be detrimental to public health, safety, or 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.**

The area is surrounded by a mix of residential and some commercial uses. In order to avoid disruption to the neighborhood, the applicant should ensure that the playground is properly secured during evening hours.

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

A small parking lot is provided along the public alley. The applicant is in the process of securing a 15-minute parking zone to park vehicles while children are dropped off and picked up as required by the zoning code. Note that a median has been placed in West Broadway adjacent to the site, which limits turning movements at the intersection.

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

Four off-street parking spaces will be provided, consistent with the plan that was previously approved in 1993. The applicant has indicated that 17 staff members would be present at maximum capacity. This will result in some long term employee parking on area streets. Note that the applicant has submitted a “future site plan” that shows elimination of the small off-street parking area. The applicant would be required to seek,

at a minimum, an additional conditional use permit as well as a variance to reduce the required off-street parking (unless off-site parking is secured) in order to implement the plan.

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

The site is located on a portion of West Broadway that is designated as a Commercial Corridor.

Staff has identified the following policies of the Minneapolis Plan as being relevant to the conditional use permit application:

*Relevant Policy:* **9.21.** Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.

*Relevant Implementation Step:* Limit non residential land uses allowed in low density residential areas to religious institutions, specific public facilities such as schools, libraries and parks and other non residential land uses that can be integrated with low density residential uses through proper location, site planning and facilities design.

*Staff comment:* The use can coexist with residential neighbors provided the applicant properly manages issues such as use of the playground and drop-off and pick-up of children in a manner than minimized disruption to the surrounding area.

**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 applicant must screen the existing parking lot from the adjacent property to the east as required by section 530.150(c) and 530.160(c) of the zoning code. Such screening may consist of a decorative fence, a masonry wall or a hedge that should be at least 95 percent opaque.

Also, child care centers are subject to the following Specific Development Standards of Chapter 536:

*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.

Of the above requirements, the applicant must still address items 5. The applicant must screen both the parking lot and the playground from adjacent residential uses to the standards of Chapter 530 of the zoning code.

**CONDITIONAL USE PERMIT TO EXTEND THE MAXIMUM HOURS OPEN TO THE PUBLIC FOR A CHILD CARE FACILITY -**

**Required Findings for the Conditional Use Permit:**

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

The nature of the use is such that patrons would be coming to the site for the specific purpose of picking up or dropping off children. Operation of such facilities is governed by state licensing requirements intended to protect health, safety, and 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.**

Staff does not expect that 24-hour operation would substantially impede development of the surrounding area. The adjacent lot to the west will house a mixed use development with ground level office uses. The playground will not be used by the facility during late night hours.

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

See finding number three in the conditional use permit above.

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

See finding number four in the conditional use permit above

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

The site is located on a portion of West Broadway that is designated as a Commercial Corridor.

Staff has identified the following policies of the Minneapolis Plan as being relevant to the conditional use permit application:

*Relevant Policy: 9.28.* Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

*Relevant Implementation Step:*

- Support a mix of uses on commercial corridors—such as retail sales, office, institutional, higher density residential, and clean low-impact light industrial—where compatible with the existing and desired character of the street.
- Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

*Staff comment:* The use can effectively operate on a 24-hour basis given its location on the corner of a busy mixed use corridor (rather than in the middle of a residential neighborhood).

**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.**

See finding number six in the conditional use permit above.

**In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:**

**(1) Proximity to permitted or conditional residential uses.**

A four-story mixed use building with approximately slightly more than 15,000 square feet of office space and 26 units of supportive housing is being developed on the adjacent property to the west. Residential uses are located across West Broadway and commercial uses are located across Newton Avenue.

**(2) Nature of the business and its impacts of noise, light and traffic.**

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The nature of the business is such that people will be picking up and dropping off children. Outdoor noise and light should be minimal during late hours. Parking and traffic impacts must be worked out by working with the city engineer on an acceptable loading/unloading area on the street.

**(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.**

If the project conforms to the staff recommendations, the site will be in compliance with specific development standards. The use would be conforming in the R5 District.

**(4) History of complaints related to the use.**

A search of the city's database does not indicate a history of complaints specifically related to operation of a child care facility 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 above findings and **approve** the application for a conditional use for a child care facility serving up to 101 children at 1915-1919 W. Broadway, 2000 – 21<sup>st</sup> Ave. N., subject to the following conditions:

1. The applicant shall obtain an encroachment permit for encroachments in the public right of way (e.g., the proposed canopy along Newton Avenue).
2. The parking lot and playground shall be screened from the adjacent residential properties to the standards of Chapter 530 of the zoning code.
3. Planning Department staff review and approval of the final site and landscape plans.

**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 above findings and **approve** the application for a conditional use permit to extend the maximum hours open to the public for a child care facility to allow 24-hours per day operation at 1915-1919 W. Broadway, 2000 – 21<sup>st</sup> Ave. N.

**Attachments:**

1. Statements submitted by the applicant
2. Letters from the applicant to the council office and neighborhood group
3. Aerial photograph

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4. Information from previous approvals
5. Zoning map
6. Site plan
7. Future site plan
8. Floor plans
9. Elevations
10. Building elevations
11. Photos