

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit  
BZZ-4509

**Date:** August 24, 2009

**Applicant:** Minneapolis Park and Recreation Board

**Address of Property:** 800 Humboldt Avenue N

**Project Name:** Phyllis Wheatley Community Center

**Contact Person and Phone:** Michael Nelson (612) 877-7065

**Planning Staff and Phone:** Kimberly Holien (612) 673-2402

**Date Application Deemed Complete:** July 28, 2009

**End of 60 Day Decision Period:** September 26, 2009

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

**Existing Zoning:** R4 Multiple-Family District

**Zoning Plate Number:** 12

**Legal Descriptions:** Not applicable

**Existing Use:** Child Care Center

**Concurrent Review:**

**Conditional Use Permit:** for a child care center.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits; Chapter 546 Residence Districts

**Background:** The Minneapolis Park and Recreation Board has submitted an application for a conditional use permit to establish a child care center within the existing Phyllis Wheatley Community Center building at 800 Humboldt Avenue N. The Mary T. Welcome Daycare Center, a child care center, will be relocating from the Bethune Elementary School directly east of the subject site. The property is zoned R4 and child care centers are conditional uses in the R4 district. The use is also subject to specific development standards. The subject site is 11.16 acres and the existing building is 17,405 square feet in area. No exterior building modifications are proposed to accommodate the use.

## CPED Planning Division Report

BZZ-4509

Staff has not received any official correspondence on the proposed application from the Northside Residents Redevelopment Council prior to the printing of this report. Any correspondence received will be forwarded on to the Planning Commission for consideration.

### **CONDITIONAL USE PERMIT (to allow a child care center in the R4 district)**

#### **Findings as Required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department has analyzed the application and from the findings below 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.**

The Planning Division does not believe that the child care center will be detrimental to or endanger the public healthy, safety, comfort or general welfare. The proposed child care center will be located within an existing community center building on a large site. The property to the east contains the Bethune Elementary School. The property to the south contains the Don Fraser Early Childhood Development Center. The property to the north, across 10<sup>th</sup> Avenue N, contains an industrial use and the property to the west, across Humboldt Avenue N, contains a church. Relocating the building from the adjacent elementary school to the community center property should not have an impact on 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 allowing a child care center within an existing community center building in the R4 district would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. The child care center is currently located within the Bethune Elementary School, directly east of the site, and therefore has been previously established in the area. The proposal to incorporate this type of neighborhood oriented use into a different building in the area is expected to contribute to the overall 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.**

Roads and utilities are existing and adequate. The site has two access points extending south from 10<sup>th</sup> Avenue N. No changes to the access are proposed as part of the project.

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

## CPED Planning Division Report

BZZ-4509

The use currently exists on the property directly east of the site, within the Bethune Elementary School. The subject site and the property to the east have a shared access from 10<sup>th</sup> Avenue N. As such, no increase in traffic is expected to result as part of the request.

The vehicle parking requirement for child care centers is one space per 500 square feet of gross floor area plus two drop off spaces. The child care center will be located within an existing building. The portion of the building to be utilized for the child care center is approximately 3,035 square feet in area, requiring 6 parking stalls. The remainder of the building is a community center. The parking requirement for a community center is as determined by the zoning administrator. The site has 72 vehicle parking stalls, satisfying the minimum parking requirement for the child care center and providing adequate parking for the community center. The adjacent elementary school has 32 additional parking stalls.

The bicycle parking requirement for a child care center is 3 short-term spaces. The minimum bicycle parking requirement for a community center is 6 short-term spaces. The applicant is providing 10 bicycle parking spaces on the south side of the building, satisfying the minimum requirement. These bicycle parking spaces are within 50 feet of a building entrance. However, this entrance does not appear to be a primary building entrance. As a condition of approval, staff recommends that the bicycle parking be moved to a more visible location within 50 feet of a primary building entrance.

The use is also subject to specific development standards in Chapter 536 of the Zoning Ordinance, including a requirement for a designated area for the short-term parking of vehicles engaged in loading and unloading children. Those specific development standards are outlined below.

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

*The Minneapolis Plan for Sustainable Growth* designates the site as urban neighborhood and park/open space on the future land use map. The urban neighborhood designation calls for a range of residential densities, with a limited amount of other uses appropriate in a residential setting. The child care center use is appropriate in a residential setting. The open space/park designation applies to land or water areas generally free from development. These spaces are primarily used for park and recreation purposes, natural resource conservation, or historic or scenic purposes. The majority of the subject site is undeveloped open space and the amount of open space will not be reduced as part of this application. Staff finds that the conditional use permit to allow a child care center is therefore in conformance with 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.**

With the requested conditional use permit the use will conform to the applicable district regulations, with the exception of an existing dumpster. Section 535.80 states that refuse storage containers are required to 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

## CPED Planning Division Report

BZZ-4509

office residence district and adjacent permitted or conditional residential uses. As a condition of approval, staff recommends that this dumpster be screened accordingly.

Per Chapter 541 of the Zoning Ordinance, the site is subject to the design and maintenance standards, including the landscaping and screening requirements of Chapter 530, Site Plan Review. The site is in substantial compliance with the parking and loading design and maintenance standards.

### **Specific Development Standards:**

In addition to the conditional use standards, the following specific development standards also apply to child care centers:

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.

*Staff comment:* The use is in a non-residential building that functions as a community center.

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.

*Staff comment:* The site has 72 off-street parking stalls. It is expected that these parking stalls can provide short-term parking that function as drop-off spaces near the principal entrance. As a condition of approval, two parking stalls shall be required to be signed as drop-off spaces in accordance with Chapter 541 of the Zoning Ordinance.

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.

*Staff comment:* The play area proposed for the use will be located on the south side of the building, in the rear yard. The designated area is 1600 square feet (64' x 25'). The applicant is proposing to install a fence in this location. Details on the materials for this fence have not been provided. Staff recommends that this fence be constructed of a decorative fencing material or vinyl coated chain link.

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.

*Staff comment:* Interior modifications to the building are proposed to accommodate the use, including reconfiguring walls and remodeling bathrooms. However, no new construction is proposed as part of the Conditional Use Permit. In addition to the interior remodeling, a portion of asphalt to the rear of the building is proposed to be removed and replaced with pervious pavement.

## CPED Planning Division Report

BZZ-4509

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.

*Staff comment:* The subject site is 11.16 acres in area. The property directly east of the site contains the Bethune Elementary school. The two sites essentially function as one with shared access, playground facilities and green space. With the exception of the elementary school, the building in which the child care will be located is more than 250 feet from any other uses. Existing landscaping is located on site, and the size of the site in itself provides an adequate transition area between the use and adjacent properties to the north, south and west.

### **RECOMMENDATIONS:**

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the amended 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 amended Conditional Use Permit for a child care center at the property of 800 Humboldt Avenue N, 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 minimum of two parking stalls shall be identified as designated drop-off spaces as specified in Chapter 541, Off-street Parking and Loading.
- 3) The applicant shall provide a minimum of three bicycle parking spaces in a visible location within 50 feet of a primary building entrance, in accordance with Section 541.180 of the Zoning Ordinance.
- 4) The refuse storage container on site shall be screened in compliance with Section 535.80 of the Zoning Ordinance.

### **Attachments:**

1. Statement from applicant.
2. Zoning maps.
3. Site plans and floor plans.
4. Photos.