

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variances
BZZ-5270

Date: September 19, 2011

Applicant: Susan Michalitz

Addresses of Property: 2121 South 9th Street

Project Name: Meisa Day Center at Seward Square

Contact Person and Phone: Susan Michalitz, (952) 854-8800

Planning Staff and Phone: Shanna Sether (612) 673-2307

Date Application Deemed Complete: August 18, 2011

End of 60-Day Decision Period: October 16, 2011

Ward: 2 Neighborhood Organization: Seward Neighborhood Group

Existing Zoning: R6 Multiple-Family Residential and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: Development achievement center (adult day care)

Concurrent Review:

- Conditional use permit to allow for a development achievement center
- Variance to the specific development standards of a development achievement center to allow for the use in an existing residential structure
- Variance to reduce the required number of off-street parking spaces

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX Variances, Specifically Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards...” and Section 525.520(6) “to vary the applicable minimum... number of required off-street parking spaces...”

Background: The subject property is approximately 112 ft. by 330 ft. (36,960 sq. ft.) and is located just south of Interstate 94, between 21st and 22nd Street South. The structure was built in 1980 as an 81-unit multiple-family structure. The use of the property is 81 affordable residential housing units for people with disabilities and the elderly. The structure has two community rooms, a side room suitable for use as a quiet room and a space for food service. According to the applicant, residents are in need of services

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provided by Meisa Day Center, LLC. These services include scheduled activities, meal preparation, providing educational skills and health care. These services are intended to be provided first to residents of the building and may eventually be available to non-resident members of the community. The proposed use, as described by the applicant, meets the definition of a development achievement center. A development achievement center is defined as facility in which a program of care, supervision, training or habilitation services licensed by the Minnesota Department of Human Services. A development achievement center is a conditional use in the R6 Multiple-Family Residence District and the applicants are requesting a conditional use permit.

A development achievement center is subject to one specific development standard which states that 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. While the use of the property does provide housing to the elderly, it is not a nursing home. Therefore, the applicants have requested a variance to allow for a new development achievement center in a residential building in the R6 District.

Finally, the minimum parking requirement for a development achievement center is one space per 500 square feet of gross floor area plus 2 drop off spaces. The proposed use will be approximately 4,800 sq. ft. In addition, the subject property is located within the Franklin Avenue Transit Station Area, which authorizes a reduction in the required parking by 25%. Therefore, the minimum parking requirement is 12 and the existing building is already deficient in required parking. The applicant is also requesting a variance to reduce the minimum parking requirement from 9 spaces to zero.

As of writing this staff report, staff has not received correspondence from the Seward Neighborhood Group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: (to allow for a development achievement center in the R6 District)

Findings as required by the Minneapolis Zoning Code: The Community Planning and Economic Development Planning Division 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 establishment of a development achievement center intended to serve predominately residents within an existing residential building will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances. The applicant is will also be required to obtain a license for the proposed use from the Minnesota Department of Human Services.
- 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 surrounding area is fully developed and consists of office, residential and commercial uses. The development achievement center will be provided within the existing structure and intended to serve predominately residents in the structure should not impede on the normal or orderly development of

surrounding property in the area.

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

The utilities, access, drainage, and other measures are existing and adequate.

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

The site is currently deficient in required parking. There are 41 parking stalls provided for 81 dwelling units. The additional use will increase the parking requirement by 9 spaces and the applicant is requesting a variance. The applicant has stated that minimum staffing required for the proposed use is one staff person per every 10 participants in the program. The applicant believes that in all likelihood, there should be no more than four to five staff members present each day. The provider, Meisa, has also stated that they would be willing to bus in employees if parking does present a problem. Further, the site is also located in the Franklin Avenue Transit Station Area. Staff believes that adequate measures have been or will be provided to minimize traffic congestion of the public streets.

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

The Minneapolis Plan for Sustainable Growth shows that the subject property is designated as Urban Neighborhood on the future land use map and is located in a transit station area. The property is also located on the same block as Franklin Avenue, a commercial corridor and directly across 21st Avenue South from an activity center.

a. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the conditional use:

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

1.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.

1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

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1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

Policy 1.10: 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.

1.10.1 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.

1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

b. Consistency with plans:

This property is located within a study area governed by the E Franklin-Cedar/Riverside Area Master Plan. The Franklin-Cedar/Riverside Transit Oriented Development Station Area Master Plan is part of a series of long-range studies being completed for transit-oriented development (TOD) around Hiawatha LRT station sites. The area of study includes Cedar/Riverside, Seward, East Phillips, and Ventura Village. It focuses on land uses, urban

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design, public infrastructure, and amenities located within a 1/2-mile of the station. The purpose of the Plan is to guide changes that build upon neighborhood strengths and capitalize on opportunities that may include:

- Future mixes of new businesses, housing, and neighborhood amenities;
- Improvements to the pedestrian environment;
- Enhancement of parks and green space; and
- Improving the accessibility and fit of the station with the neighborhood.

The Plan proposes redevelopment of areas immediately east and west of the station platform at densities more supportive of transit. Recommended uses include those that would benefit from excellent access to Downtown, local institutions and regional transportation systems. Potential uses may include multi-family housing, back-offices (that don't need a downtown address, but would benefit from proximity), destination restaurants, coffee shops, lunch café uses, convenience retail, and commercial parking.

Staff believes that the proposed use is in conformance with these 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, with the approval of this conditional use permit.

There is an existing surface parking area at the northwest corner of the site with 5 parking stalls; four standard stalls and one handicapped accessible stall. The surface parking area is paved up to the property line along both 21st Avenue and 9th Street South and there is rock mulch between the property line and public sidewalk. Staff believes that the applicant should remove the rock mulch to provide a landscaped area within the public right-of-way.

With the approval of the conditional use permit and variances and the proposed site improvements the proposed use will conform to the applicable district regulations.

VARIANCE of the specific development standards to allow for a new development achievement center in a residential building in the R6 District

Findings Required by the Minneapolis Zoning Code:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The circumstances upon which the variance is requested are unique to the parcel of land, based on the existing use of the property and the intended participants in of the development achievement center. A development achievement center is subject to one specific development standard which states that 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. While the use of the property does provide housing to the elderly, it is not a nursing home. The

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development achievement center will be provided within the existing structure and intended to serve predominately residents in the structure. These circumstances have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Staff believes that the applicant is proposing to use the property in a reasonable manner that will keep with the spirit and intent of the ordinance and comprehensive plan. The zoning code prevents development achievement centers from being located in a nonresidential structure existing on the effective date of this ordinance, or nursing home. While the use of the property does provide housing to the elderly, it is not a nursing home. The intent of prohibiting the types of buildings in which this use may be located is to prevent the conversion of existing residential buildings in the residence and OR1 Districts to a more intense use. The development achievement center will be provided within the existing structure and the existing use of multiple-family and intended to serve predominately residents in the structure.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. The development achievement center will be provided within the existing structure and the existing use of multiple-family and intended to serve predominately residents in the structure. Staff believes that the proposed use will be compatible with other uses in the existing building. Further, staff does not believe that the proposed variance will be detrimental to the health, safety or welfare of the general public.

VARIANCE: to reduce the required number of off-street parking spaces from approximately 9 spaces to 0 to allow for a development achievement center within an existing building.

Findings Required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the variance is requested are unique to the parcel of land, based on the existing use, structure and parking deficiency. The site is currently deficient in required parking. There are 41 parking stalls provided for 81 dwelling units. The additional use will increase the parking requirement by 9 spaces and the applicant is requesting a variance. The applicant has stated that minimum staffing required for the proposed use is one staff person per

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every 10 participants in the program. The applicant believes that in all likelihood, there should be no more than four to five staff members present each day. The provider, Meisa, has also stated that they would be willing to bus in employees if parking does present a problem. Further, the site is also located in the Franklin Avenue Transit Station Area. These circumstances have not been created by the applicant.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Staff believes that the applicant is proposing to use the property in a reasonable manner that will keep with the spirit and intent of the ordinance and comprehensive plan. The applicant has stated that minimum staffing required for the proposed use is one staff person per every 10 participants in the program. The applicant believes that in all likelihood, there should be no more than four to five staff members present each day. The provider, Meisa, has also stated that they would be willing to bus in employees if parking does present a problem. Staff believes that the addition of bicycle racks that would accommodate at least nine (9) bicycles will also further reduce the need for additional parking. Further, the site is also located in the Franklin Avenue Transit Station Area. Finally, there is available on-street parking along 9th Street South, due to the adjacency to the Interstate, which minimizes the impact of spillover parking on nearby residential properties.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Staff believes that the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. The development achievement center will be provided within the existing structure and the existing use of multiple-family and intended to serve predominately residents in the structure. Staff believes that the proposed use will be compatible with other uses in the existing building. Further, staff does not believe that the proposed variance will be detrimental to the health, safety or welfare of the general public.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for 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 to allow for a development achievement center in an existing building for the property located at 2121 9th Street South in the R6 Multiple-Family District, subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve

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the final site, landscaping, and floor plans.

2. 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.
3. The applicant shall remove the rock mulch to provide a landscaped area within the public right-of-way within one year of approval.

Recommendation of the Community Planning and Economic Development Department - Planning Division for variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to the specific development standards of a development achievement center to allow for the use in an existing residential structure to allow for a development achievement center in an existing building for the property located at 2121 9th Street South in the R6 Multiple-Family District.

Recommendation of the Community Planning and Economic Development Department - Planning Division for variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required number of off-street parking spaces from 9 spaces to 0 spaces for a development achievement center in an existing building for the property located at 2121 9th Street South in the R6 Multiple-Family District, subject to the following condition of approval:

1. Bicycle racks shall be provided to accommodate no fewer than nine (9) bicycles on the property and shall meet the minimum requirements for short term bicycle parking. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

Attachments:

1. Written descriptions and finding submitted by applicant
2. Copies of letter sent to Seward Neighborhood Group and CM Gordon
3. Zoning map
4. Site plan
5. Floor plan
6. Photographs