

**Department of Community Planning and Economic Development**  
Variance  
BZZ 5965

**Date:** March 21, 2013

**Applicant:** Layla Mohamud

**Address of Property:** 404 Cedar Avenue South

**Contact Person and Phone:** Layla Mohamud, (612) 590-9694

**CPED Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** February 25, 2013

**End of 60-Day Decision Period:** April 26, 2013

**Ward: 2      Neighborhood Organization:** West Bank Community Coalition

**Existing Zoning:** C3A Community Activity Center District

**Existing Overlay District:** PO Pedestrian Oriented Overlay District and UA University Area Overlay District

**Zoning Plate Number:** 21

**Proposed Use:** New child care center in an existing commercial building

**Variance:** reduce the required 2 drop-off parking spaces to zero to allow for a new child care center.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(6) “to vary the applicable minimum...off-street parking...spaces” and Chapter 548 Commercial Districts

**Background:** The subject property is an irregular shaped parcel, approximately 4,532 square feet in area. Historically, the property included 400-410 Cedar Avenue. Building permits were issued to allow for the construction of the commercial buildings and a theater between 1884 and 1911. The property is a mixed-use building with two commercial tenant spaces, an existing retail store and a proposed child care center.

The subject property is an existing interior lot without access to off-street parking. There is an existing commercial parking lot directly behind the subject property with metered parking belonging to Riverside Plaza. In addition, the property owner has an access easement granted by the property owner of Riverside Plaza for the maintenance of the subject property and the right to pedestrian and vehicular access.

The gross floor area (GFA) of the proposed child care center is approximately 2,621 square feet. The zoning code requires one parking space 500 square feet of gross floor area plus two drop-off spaces for a child care center. Based on the size of the space a minimum of 5 off-street parking spaces and 2 drop-off spaces would be required. The property is located in the PO Pedestrian Oriented Overlay District due to proximity to the Hiawatha Line and Central Corridor Light Rail Transit. Commercial uses located in the PO District are required to provide 75% of their required parking, which reduces the required parking 3 off-street parking spaces and 2 drop-off spaces. The existing commercial building was constructed prior to 1963 and is not required to provide off-street parking. The previous commercial tenant space has non-conforming rights to 3 off-street parking spaces. Therefore, the applicant is applying for a variance to reduce the requirement to provide 2 drop-off spaces to zero.

Staff has received correspondence from the West Bank Community Coalition in support of the project. Staff will forward addition comments, if received, at the Board of Adjustment public hearing.

**VARIANCE:** reduce the required 2 drop-off parking spaces to zero to allow for a new child care center.

**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 location of the existing building and the availability of alternative transportation options and metered parking immediately adjacent to the property along 4<sup>th</sup> Street South. The property is located at an intersection of two commercial corridors and within an activity center. The applicant has indicated that most families utilizing the child care center will live within walking distance of the property. Further, the subject property is very well served by transit and is located within ¼ mile of the Franklin Station of the Hiawatha Line LRT and the West Bank Station of the Central Corridor LRT. The MetroTransit #2, #7 and #22 buses have a stop one block to the north. Staff finds that many families of the child care center of the use will use alternative forms of transportation including walking, LRT and busing. Additionally, metered parking is available in an adjacent commercial parking lot behind the subject property and along 4<sup>th</sup> Street. Staff finds that 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 finds that the applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and comprehensive plan. The intent of parking and loading regulations are established to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking and loading spaces and the driveways and aisles that provide access and maneuvering

space. The regulations promote flexibility and recognize that excessive off-street parking conflicts with the city's policies related to transportation, land use, urban design, and sustainability. The property is located at an intersection of two commercial corridors and within an activity center. The applicant has indicated that most families utilizing the child care center will live within walking distance of the property. Further, the subject property is very well served by transit and is located within ¼ mile of the Franklin Station of the Hiawatha Line LRT and the West Bank Station of the Central Corridor LRT. The MetroTransit #2, #7 and #22 buses have a stop one block to the north. Staff finds that many families of the child care center of the use will use alternative forms of transportation including walking, LRT and busing. Additionally, metered parking is available in an adjacent commercial parking lot behind the subject property and along 4<sup>th</sup> Street.

- 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 finds 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 applicant expects that many of the families will live in the neighborhood and would most likely bike, walk or use transit to arrive at the child care center. For those families who will be driving to the site, metered parking is available at the rear of the property and along 4<sup>th</sup> Street South. The applicant is proposing to make several improvements to the existing commercial tenant space including new windows and doors and a new trash enclosure at the rear of the property. Nonresidential buildings shall be oriented so that at least one (1) principal entrance faces a public street per section 535.95 of the zoning code. The current floor plan shows two entrances along Cedar Avenue South, with the primary entrance at the rear. The applicant has indicated that they will have two entrances, one along Cedar Avenue South and another at the rear of the property adjacent to the commercial parking lot.

The proposed conversion from a retail commercial space to a child care center will require an interior remodel and review for applicable building codes and State laws. Staff finds that the proposed variance will not be detrimental to the health, safety or welfare of the general public.

**Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the required 2 drop-off parking spaces to zero to allow for a new child care center located at 404 Cedar Avenue South in the C3A Community Activity Center District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District, subject to the following conditions of approval:

1. At least one (1) principal entrance shall face Cedar Avenue South.
2. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.

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3. All site improvements shall be completed by March 21, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. E-mails to Council Member Gordon and West Bank Citizens in Action
3. Correspondence
4. Zoning map
5. Future land use map
6. Existing survey/ site plan / floor plans
7. Easement agreement with Cedar-Riverside Partnership Ltd.
8. Photos