

**Department of Community Planning and Economic Development (CPED)**  
Conditional Use Permit and Variance  
BZZ-6064

**Date:** June 10, 2013

**Applicant:** Al Willig with Greater Minneapolis Crisis Nursery

**Address of Property:** 4536, 4540, 4544, 4554 and 4556 4<sup>th</sup> Avenue South and 328 East 46<sup>th</sup> Street

**Project Name:** Greater Minneapolis Crisis Nursery

**Contact Person and Phone:** Al Willig, (763) 591-0400, ext. 222

**CPED Staff and Phone:** Hilary Dvorak, Principal City Planner, (612) 673-2639

**Date Application Deemed Complete:** May 15, 2013

**End of 60-Day Decision Period:** July 14, 2013

**End of 120-Day Decision Period:** Not applicable for this application

**Ward:** 8      **Neighborhood Organization:** Field Regina Northrop Neighborhood Group

**Existing Zoning:** R1A, Single-family District, R4, Multiple-family District, C1, Neighborhood Commercial District and AP Airport Overlay District

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

**Zoning Plate Number:** 31

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

**Proposed Use:** Child Care Center

**Concurrent Review:**

**Conditional use permit:** for a child care center.

**Variance:** to reduce the off-street parking requirement from 38 spaces to 13 spaces for a child care center.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits and Chapter 525, Article IX, Variances, specifically Section 525.520(6) "To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces".

**Background:** The site is located on the northwest corner of 4<sup>th</sup> Avenue South and East 46<sup>th</sup> Street in the Field Regina Northrop Neighborhood. The Greater Minneapolis Crisis Nursery purchased the building in 2003 and occupied the building from May of 2004 until June of 2006. In 2009, the building was leased to the Watershed High School whose lease expires this month. The Greater Minneapolis Crisis Nursery is proposing to return to the building after operating in Golden Valley for the past seven years. Before 2003 the Greater Minneapolis Crisis Nursery operated out of a building located at 4255 3<sup>rd</sup> Avenue South for 14 years.

The Greater Minneapolis Crisis Nursery provides 72-hour shelter for up to 24 children ages newborn to six years of age who are at risk of abuse and neglect. The children receive three meals and three snacks each day and medical attention, if necessary. The children are also offered a variety of enrichment and curricular activities during their stay including arts and crafts and computer based learning programs.

The properties where the child care center and its associated parking lot will be located are currently zoned R4. Child care centers require a Conditional Use Permit in this zoning district. In addition, a parking variance is required for the project. The Greater Minneapolis Crisis Nursery also owns the properties located at 4556 4<sup>th</sup> Avenue South and 328 East 46<sup>th</sup> Street. The property on 4<sup>th</sup> Avenue South is zoned C1 and the property on East 46<sup>th</sup> Street is zoned R1A. Both of these lots are used as green space. The applicant has no intention of doing anything different to these properties.

**CONDITIONAL USE PERMIT** - for a child care center

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

The Department of Community Planning and Economic Development has analyzed the application and from the findings above concludes that:

**1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Department of Community Planning and Economic Development finds that allowing the Greater Minneapolis Crisis Nursery to operate a child care center on the property would not be detrimental to or endanger the public health, safety, comfort or general welfare.

**2. The conditional use 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 Department of Community Planning and Economic Development finds that allowing the Greater Minneapolis Crisis Nursery to operate a child care center on the property would not be injurious to the use and enjoyment of other property in the area. The site was originally used as a nursing home and then a child care center and most currently a high school. Although the surrounding area is primarily occupied by single family homes there is a gas station and a middle school across the street from the site and there is a church one block away.

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

The building is existing. All utilities, access roads and drainage are in place.

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

There are currently 13 parking spaces located on the north side of the building that are accessed from 4<sup>th</sup> Avenue South. No access to the parking area is provided from the alley. The parking requirement for the child care center is 38 spaces. The zoning code also requires that there be two short term drop off spaces provided on site. The applicant has submitted a parking variance for the use.

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

The site is located on the northwest corner of 4<sup>th</sup> Avenue South and East 46<sup>th</sup> Street in south Minneapolis. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the property as Urban Neighborhood. Urban Neighborhood is described as a predominantly residential area with a range of densities. Urban Neighborhood may include other small-scale uses, including neighborhood-serving commercial, and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses (Land Use Policy 1.8).
- Direct uses that serve as neighborhood focal points, such as libraries, schools, and cultural institutions, to designated land use features (Implementation Step 1.8.3).

The Department of Community Planning and Economic Development finds that allowing the Greater Minneapolis Crisis Nursery to operate a child care center on the property is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. Although the site is not located on any designated land use features the building has been occupied by either a congregate living use or an institutional and public use since the structure was constructed.

**6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.**

When the child care center was approved to locate on this site in 2003 a landscaping plan was approved that would provide screening around the parking lot. The site is no longer in conformance with the approved plan as much of the landscaping has died. Staff is recommending that the site be brought into conformance with the approved landscaping plan from 2003.

**VARIANCE** - to reduce the off-street parking requirement from 38 spaces to 13 spaces for a child care center

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

**Off-street parking reduction:** Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The applicant is seeking a variance to reduce the off-street parking requirement from 38 spaces to 13 spaces. The applicant does have a parking lease for an additional ten spaces in the parking lot located at 4537 3<sup>rd</sup> Avenue South which is owned by St. Joan of Arc Church. The applicant is working with the church to secure additional parking spaces in the lot but for timing purposes that has not been completed so they are applying for the parking variance.

When the child care center first located at this property the parking requirement was based on the number of employees. In 2003 the parking requirement for this use was ten spaces. Now the parking requirement is based on the size of the building and the parking requirement is 38 spaces. Please note that the size of the building has not changed since 2003.

**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.**

**Off-street parking reduction:** 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 the comprehensive plan. The proposed use once operated at this location with only 13 parking spaces. With the lease they have up to 23 parking spaces available to them and will continue to work with the church to secure additional parking spaces in their lot.

**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.**

**Off-street parking reduction:** Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. At any one time there are between 25 and 30 employees at the site. At night there are up to ten employees working at the site. The applicant has indicated that the majority of their clients arrive by mass transportation when dropping off or picking up their children. The child care center has up to 23 parking spaces available to them and will continue to work with the church to secure additional parking spaces in their lot.

The bicycle parking requirement for a child care center is three spaces. The applicant shall provide a minimum of three bicycle parking spaces on the site. The applicant shall work with staff on findings an appropriate location for the bicycle racks.

### **RECOMMENDATIONS**

#### **Recommendation of the Department of Community Planning and Economic Development for the conditional use permit:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a child care center located at 4536, 4540, 4544, 4554 and 4556 4<sup>th</sup> Avenue South and 328 East 46<sup>th</sup> Street 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 two years of approval.
2. Two of the on-site parking spaces shall be designated for short term drop off.
3. The site shall be brought into compliance with the approved landscaping plan from 2003.

#### **Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the off-street parking requirement from 38 spaces to 13 spaces for a child care center for the property located at 4536, 4540, 4544, 4554 and 4556 4<sup>th</sup> Avenue South and 328 East 46<sup>th</sup> Street subject to the following conditions:

1. There shall be a minimum of three bike parking spaces provided on site.

#### **Attachments:**

1. Conditional use permit findings
2. Additional information about the use and variance findings
3. July 9, 2009, parking lease
4. May 1, 2013, letter to Council Member Glidden and the Field Regina Northrop Neighborhood Group
5. Zoning Map
6. Site plan, floor plans and elevations
7. Photographs of the site