

Department of Community Planning and Economic Development
Conditional Use Permit
BZZ-6178

Date: August 26, 2013

Applicant: Restoration, Counseling & Community Services, LLC

Address of Property: 800 42nd Avenue North and 4217 Aldrich Avenue North

Project Name: Restoration, Counseling & Community Services (RCCS)

Contact Person and Phone: Nate Kalkwarf with Restoration, Counseling & Community Services, LLC (319) 230-0922

CPED Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: August 1, 2013

End of 60-Day Decision Period: September 30, 2013

Ward: 4 **Neighborhood Organization:** Webber-Camden Neighborhood Organization

Existing Zoning: OR1 Neighborhood Office Residence District (800 42nd Avenue North), R5 Multiple Family Residence District (4217 Aldrich Avenue North) and SH Shoreland Overlay District (both parcels)

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 4

Legal Description: Not applicable for this application

Proposed Use: developmental achievement center

Concurrent Review: Conditional use permit to allow a developmental achievement center.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits.

Background: The applicant is proposing to establish a developmental achievement center in the existing building located at the property of 800 42nd Avenue North. The use would provide counseling and life skill development services and is required to be licensed by the Minnesota Department of Human Services. The building was originally used for a medical clinic. Off-site parking for the 800 42nd Avenue North property has historically been located across the public alley at 4217 Aldrich Avenue North. The applicant is proposing to continue to use this property for parking. Proposed site modifications include resurfacing the parking lots, replacing fencing, and removing volunteer vegetation. The building is located in an OR1 Neighborhood Office Residence District where a

developmental achievement center is a conditional use. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.

Correspondence from the neighborhood group, Webber-Camden Neighborhood Organization, was received and attached to this report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT

Findings Required by the Minneapolis Zoning Code:

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

The use of the site for a developmental achievement center should not be detrimental to or endanger the public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards. The applicant has indicated that the use provides a public and community asset by building positive relationships within the lives of their client's families and communities through the delivery of their 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.

Commercial uses are located to the east of the site and low- to medium-density residential uses are located to the north, west and south. The use would provide counseling and life skill development services and is required to be licensed by the Minnesota Department of Human Services. The applicant expects that 20 to 30 persons would be served a day. With the adoption of the staff recommendation, the parking areas will be improved with landscaping and screening. The proposed use would not have a negative effect on surrounding properties.

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

The site will be served by existing infrastructure. The parking areas are accessed from Aldrich Avenue North. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvement in or over the public right-of-way.

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

Adequate measures will be taken to minimize traffic congestion in the public streets.

The parking requirement for a developmental achievement center is one space per 500 square feet of gross floor area (GFA) plus two drop off spaces, or four spaces, whichever is greater. The GFA

would be 5,470 square feet. Therefore a minimum of 13 parking spaces, including the two drop-off spaces, are required.

The parking lot behind the building will accommodate 3 spaces including an accessible space. The parking lot across the public alley will accommodate 7 spaces. The zoning code allows the minimum automobile parking requirement for each non-residential use to be reduced 10 percent or one space, whichever is greater, where bicycle parking spaces are provided equal to 25 percent of the number of required automobile spaces for the use, but not less than four bicycle parking spaces. To qualify for this incentive, bicycle parking shall comply with the standards for required bicycle parking as specified in section 541.180 of the zoning code. By providing 4 bicycle parking spaces, the minimum automobile parking requirement will be reduced by one space. The applicant has indicated that they will provide 4 bicycle spaces. Because there is not enough room to accommodate both drop-off spaces on-site, the applicant will need to request permission from the city engineer to provide the drop-off spaces in the street. The applicant has indicated that they have initiated contact with the Public Works Department to obtain approval for an on-street drop-off zone. This use does not have a minimum bicycle parking or loading requirement.

The applicant expects that most clients will arrive by RCCS transit and public transit. One block from the site, there are two bus routes on Lyndale Avenue North. The site is also in close proximity to two designated bicycle routes.

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

The proposed use would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. The future land use of the site is designated as urban neighborhood by the plan. The site is near two designated land use features. Aldrich Avenue North is the western boundary of the 42nd Avenue & Lyndale Avenue North commercial node and Webber Parkway is designated as a community corridor. According to the principles and polices outlined in the plan, the following apply to this proposal:

Land Use Policy 1.8: 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.

1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

1.8.3 Direct uses that serve as neighborhood focal points, such as libraries, schools, and cultural institutions, to designated land use features.

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 proposed use will comply with the following specific development standard found in section 536.20:

Developmental achievement center. 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.

Child care centers located in the OR1 district are required to have at least 4,000 square feet of lot area and are subject to a maximum floor area ratio (FAR) of 1.0. The lot area of 800 42nd Avenue North is approximately 6,131 square feet. With a GFA of 5,470 square feet, the existing/proposed FAR is approximately 0.89.

The maximum lot coverage and impervious surface coverage in the OR1 district is 70 percent and 85 percent respectively. On the property of 800 42nd Avenue North, the building covers approximately 45 percent of the site and the existing/proposed amount of impervious surface would cover approximately 68 percent of the site. On the property of 4217 Aldrich Avenue North, the existing/proposed amount of impervious surface would cover approximately 59 percent of the site.

Front, interior side, and rear yard requirements apply to both parcels.

- *Front yard requirements:* The property of 800 42nd Avenue North is a reverse corner lot. Front yards are required adjacent to the east lot lines along Aldrich Avenue North and the south lot line along 42nd Avenue North. The front yard requirements are established by the setbacks of the nearest structures designed for principal residential uses on the same block face or 15 feet, whichever is greater.

The residential structure located at the property of 804 42nd Avenue North is located more than 15 feet from 42nd Avenue, therefore the established setback applies to the property of 800 Aldrich Avenue North. The applicant is proposing to locate bicycle parking spaces in this required front yard, which are not a permitted obstruction. Staff will work with the applicant to find an alternate location.

The residential structure located at the property of 4239 Aldrich Avenue North is located less than 15 feet from Aldrich Avenue, therefore a 15 foot setback applies to both properties. The parking area behind the building extends up to the front lot line and into the public right-of-way. The off-site parking area is setback 7 feet from the front lot line. If the parking areas were brought into full compliance with the front yard requirements, a variance to reduce the minimum parking requirement or variances to reduce other yard requirements would be triggered. With the ability to provide only 3 parking spaces in the area behind the building, staff will work with the applicant to increase the width of the front yard on-site.

- *Interior side yard requirements:* For the parking areas, a 5-foot wide interior side yard is required adjacent to the west lot line for the property of 800 42nd Avenue North and north and south lot lines for the property of 4217 Aldrich Avenue North. These yards would exceed 5 feet in width.
- *Rear yard requirements:* A 5-foot wide rear yard is required adjacent to the north lot line for the property of 800 42nd Avenue North and the west lot line for the property of 4217 Aldrich Avenue North. An 8-foot wide rear yard exists for the off-site parking area. The parking area behind the building extends up to the rear lot line. If this parking area were brought into full compliance with the rear yard requirement, a variance to reduce the minimum parking requirement would be triggered.

In addition to not complying with some of the above yard requirements, the parking areas also do not comply with other zoning ordinances:

- *Surfacing:* The existing paving is in need of repair. The applicant is proposing to resurface the parking areas. The surfacing will need to comply with the standards of section 541.300 of the zoning code.
- *Drive aisle:* In the parking area behind the building, a 22-foot wide drive aisle cannot be accommodated for the 3 required parking spaces; however, this condition existed prior to the effect of this ordinance and requiring compliance would trigger a variance to reduce the minimum parking requirement.
- *Landscaping, screening and curbing:* Unless a greater yard is required by the zoning district, a landscaped 7-foot wide yard is required between a parking area and a street. Screening, 3 feet tall and 60 percent opaque, and at least one tree for every 25 feet of parking lot frontage is also required in these yards. As discussed above, requiring 15-foot wide yards adjacent to Aldrich Avenue would trigger a variance to reduce the minimum parking requirement or variances to reduce other yard requirements. The width of the interior boulevard between the front lot lines and sidewalk is 9 feet. This provides an additional buffer and, if allowed by the Public Works Department, could provide additional landscape area. Therefore, staff is recommending that the planning commission require the applicant to provide the landscaping and screening in a yard as wide as practical on-site.

A landscaped 7-foot wide yard is required where a parking area abuts or is across an alley from a residentially zoned property. Screening that is 6 feet tall and 95 percent opaque is also required in this yard. All of the surrounding properties are residentially zoned. The parking lot was established before these regulations existed. With the exception of the parking area behind the building extending into the rear yard, 7-foot wide landscaped yards would be provided adjacent to the surrounding residential properties and alley. Requiring additional landscaping adjacent to the south side of the alley would not be practically and economically feasible and would eliminate required parking. The required screening can be provided in each of the yards.

Wheel stops or discontinuous curbing that allow the on-site filtration of stormwater are required in the parking lot. Staff is recommending that the planning commission require curbing where needed.

Fencing is subject to the standards of Article VI in Chapter 535 of the zoning code. Fences are required to be kept in good repair. The existing fencing is in need of repair. The applicant is proposing to replace existing fencing. The new fencing will need to comply with standards found in Article VI in Chapter 535 of the zoning code.

Refuse storage containers are required to be effectively screened from the street and residences by screening compatible with the principal structure and not less than two feet higher than the refuse container. Refuse storage would be located behind the building. Required screening will need to be provided.

A freestanding sign exists in the southeast corner of the property. The applicant has indicated that the sign will be refaced. Refacing of the existing sign will require Zoning Office review, approval, and permits.

With the approval of the conditional use permit and implementation of the site improvements, the use would comply with the applicable regulations of the district.

RECOMMENDATION:

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 application for a conditional use permit to allow a developmental achievement center located at the property of 800 42nd Avenue North and 4217 Aldrich Avenue North, 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. Permission for two on-street drop-off spaces shall be obtained from the city engineer as required by Table 541-1 of the zoning code, unless a variance is applied for and granted.
3. At least 4 bicycle parking spaces shall be provided and shall comply with the standards of section 541.180 of the zoning code.
4. To the extent practical, landscaping, screening and curbing shall be provided in the parking areas as required by sections 530.170 and 530.230 of the zoning code.
5. The refuse container shall be screened as required by section 535.80 of the zoning code.
6. Department of Community Planning and Economic Development staff review and approval of the final floor, site and landscape plans.
7. Site improvements required by the zoning code or by the City Planning Commission shall be completed by August 26, 2015, or the permit may be revoked for non-compliance.

Attachments:

1. Applicant's statement of use and findings
2. Correspondence
3. Zoning map
4. Plans
5. Photos