

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4560

Date: October 13, 2009

Applicant: Little Earth of United Tribes

Address of Property: 2401 18th Avenue South, 2401 Cedar Avenue and 2413 Cedar Avenue

Project Name: Way to Grow Child Care Center

Contact Person and Phone: Daniel Feidt, Great Horse Group, (612)0202-3720

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: September 17, 2009

End of 60-Day Decision Period: November 16, 2009

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

Ward: 9 **Neighborhood Organization:** East Phillips

Existing Zoning: R4, Multiple-family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description (properties to be rezoned): Not applicable for this application

Proposed Use: Child Care Center

Concurrent Review:

Conditional use permit: for a modification to the previously approved conditional use permit for a Planned Unit Development to add a child care center to the development

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 527, Planned Unit Development

Background: The Little Earth of United Tribes and Way to Grow are partnering together to open a child care center in a former community center space located in one of the buildings on the site. The Little Earth of United Tribes is a housing development located on both sides of Cedar Avenue between East 24th Street and E M Stately Street. The housing development was first approved by the City Council in 1971 as a Planned Residential Development including 212 dwelling units. The PUD was

amended in 1973 and then again in 2003. The applicant is now proposing to replace a former community center with a child care center. Please note that only interior remodeling will result from the change in use; no exterior changes to the building or the site will occur.

In the residence and OR1 zoning districts the city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed 2,000 square feet per use, unless otherwise allowed by the zoning district in which the use is located. The proposed child care center will be just under 1,200 square feet in size.

CONDITIONAL USE PERMIT - for a modification to the previously approved conditional use permit for a Planned Unit Development to add a child care center to the development

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above 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 modifying the previously approved conditional use permit to add a child care center to the existing Planned Unit Development will be detrimental to or endanger the public health, safety, comfort or general welfare. The child care center will replace a former community center which the applicant has indicated functioned similarly as a child care center would.

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 that modifying the previously approved conditional use permit to add a child care center to the existing Planned Unit Development will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The child care center will occupy less than 1,200 square feet of a portion of one of the buildings on the site. The location of the child care center is on the south end of the development site and adjacent to a public park.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for a child care center is “not less than one space for each 500 square feet plus two drop off spaces”. The parking requirement for the proposed 1,171 square foot restaurant is two spaces plus two drop off spaces. When this Planned Unit Development was modified in 2003 the space where the child care center is going was a community center that had a parking requirement of five parking spaces. As part of the 2003 approvals a variance to reduce the overall parking requirement of the development from 229 spaces to 200 spaces was approved. The parking requirement for the child care center is less than the parking requirement of the previous use of the spaces and the amount of on-site parking is not changing as a result of this application. Given this the Planning Division believes that adequate measures have been provided to minimize traffic congestion in the public streets. The Planning Division is recommending that two of the on-site parking spaces near the entrance to the child care center be designated as drop off spaces.

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

The site is located on Cedar Avenue which is designated as a Community Corridor. In the update to *The Minneapolis Plan* Cedar Avenue is still designated as a Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors (Implementation Step for Policy 4.2).
- Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4)

The Planning Division believes that increasing the outward projection of the existing projecting sign is in compliance with the above policies of the *Minneapolis Plan*.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

527.210. Additional Use Standards. The city planning commission may authorize additional uses, as provided in Section 527.200, subject to the following standards:

- 1. Such uses are designed primarily for the residents or users of the planned unit development and of adjacent areas which are within convenient walking distance of the use.**

The Little Earth of United Tribes and Way to Grow are partnering together to open a child care center on the site. The child care center will be used by residents of Little Earth of United Tribes and by others in the neighborhood.

2. All additional uses, except residential uses, shall be located on the ground or first floor.

The child care center is located on the first floor of the building.

3. The uses are not of such a nature or so located as to have a detrimental impact on the surrounding neighborhood or the character of the planned unit development.

The location of the child care center is on the south end of the development site and adjacent to a public park. The entrance to the child care center faces the south property line; away from the residential uses across the street from the site.

4. Not more than twenty (20) percent of the gross floor area of the planned unit development shall be devoted to such additional uses.

The child care center will occupy less than 1,200 square feet of a portion of one of the buildings on the site. In total there is over 86,000 square feet of buildings on the site.

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

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- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).
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The Planning Division believes that increasing the outward projection of the existing projecting sign is in compliance with the above policies of the *Minneapolis Plan*.

527.260. Required findings. In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.

The addition of a child care center in a Planned Residential Development fits in well with the character of the use itself and the surrounding residential neighborhood.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.

Street capacity, vehicular access, parking and loading areas as well as pedestrian access and availability of transit incentives are existing and adequate.

c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.

No changes are proposed that would impact site amenities including open space, the natural environment, historic features, sustainability or urban design.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

No changes are proposed that would impact the buildings scale and massing, microclimate effects of the development and protection of views and corridors.

e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.

Between the site and the adjacent public park there is a decorative fence and a walkway that connects the building entrances to the public sidewalk. These design elements are in conformance with the approved site plan from 2003.

f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.

No changes are proposed that would impact stormwater runoff of erosion control measures that are in place.

g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.

Not applicable to this proposed change.

2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

The platting of the site is in compliance with Chapter 598, Land Subdivision Regulations.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to modify the previously approved conditional use permit for a Planned Unit Development to add a child care center to the development located at 2401 18th Avenue South, 2401 Cedar Avenue and 2413 Cedar Avenue 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. Two of the on-site parking spaces near the entrance to the child care center shall be designated as drop off spaces.

Attachments:

1. Conditional use permit findings
2. September 17, 2009, e-mail to Council Member Schiff and East Phillips
3. Zoning Map
4. Site plans and floor plan

5. Photos of the property