

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5646

Date: July 30, 2012

Applicant: Frances Davis

Address of Property: 4320 Lyndale Avenue N

Project Name: Kids Zone Infant Academy

Contact Person and Phone: Frances Davis, (612) 327-3716

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: July 6, 2012

End of 60-Day Decision Period: September 5, 2012

Ward: 4 **Neighborhood Organization:** Camden Industrial (adjacent to Lind-Bohanon)

Existing Zoning: R5 Multiple Family District

Zoning Plate Number: 2

Proposed Use: Child care center

Concurrent Review:

Conditional use permit to allow a child care center.

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

Background: The applicant is proposing to establish a child care center in the existing building located at the property of 4320 Lyndale Avenue N. The applicant operates a child care center in the building directly north of the site, at 4324 Lyndale Avenue N. The child care center in the adjacent building is for toddlers and older children. The proposed child care center at 4320 Lyndale Avenue N would accommodate infants and would be known as Kids Zone Infant Academy. The infant center would primarily be operated by existing Kids Zone staff. The building is 1,280 square feet and the lot is 4,975 square feet in area.

The existing building at 4320 Lyndale Avenue N is a non-residential structure that most recently housed a barber shop/beauty salon. The previous commercial uses in this building were non-conforming due to the fact that the property is zoned R5, Multiple family district. The establishment of a child care center would bring the property into conformance with the zoning code in terms of land use. Per Section

CPED Planning Division Report

BZZ-5646

531.40 of the zoning code, when a non-conforming use has been changed to a conforming use, it may not thereafter be reestablished or changed to another nonconforming use.

The applicant is proposing two drop-off spaces in front of the building, in the public right-of-way, and is working with Public Works staff accordingly. Off-street parking is provided in an existing surface lot in the rear of the property. The parking requirement for the use is four spaces. Three vehicle parking spaces are provided in the surface lot. The applicant is taking advantage of the bicycle incentive to reduce the vehicle parking requirement by one space, per Section 541.220 of the zoning code.

The site is within the Camden Industrial neighborhood, which does not have an active neighborhood organization. The site is adjacent to the Lind-Bohanon neighborhood and they have been notified of the application. No correspondence had been received from the Lind-Bohanon Neighborhood Association as of the writing of this staff report. Any correspondence, if received, will be forwarded to the Commission for review.

CONDITIONAL USE PERMIT (to allow a child care center in the R5, Multiple family district)

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department 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 Planning Division does not believe that the child care center will be detrimental to or endanger the public healthy, safety, comfort or general welfare. The proposed child care center will be located within an existing, non-residential building. The property to the north at 4324 Lyndale Avenue N is zoned industrial and contains three tenant spaces, one of which is a child care center operated by the applicant. The property to the south is owned by the Minneapolis Park Board and contains a paved trail. Adding a second child care center to the area should not have any adverse impact on surrounding uses. To alleviate any safety concerns with the play area being in close proximity to the parking area, staff recommends that a fence or other barrier be installed around the play area to delineate between these two functions.

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 allowing a child care center within an existing building in the R5 district would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. The surrounding area is fully developed with industrial and commercial uses. The child care center will be located within an existing, non-residential building that most recently contained a barber shop, a legal non-conforming use. A child care center is a permitted conditional use in the R5 district and therefore the proposed use would bring the property into conformance with the zoning code in terms of land use. The proposal to incorporate this type of

CPED Planning Division Report

BZZ-5646

neighborhood oriented use into an existing building is expected to contribute to the overall goal of providing a wide range of goods and services for the area.

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

Roads and utilities are existing and adequate. The site has an existing curb cut from Lyndale Avenue N which provides access to the surface parking lot in the rear of the site. No changes to the access or circulation are proposed as part of the project.

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

The vehicle parking requirement for child care centers is one space per 500 square feet of gross floor area, or a minimum of four spaces, plus two drop off spaces. The subject building is 1,280 square feet, requiring 4 parking stalls. The site has three surface parking spaces in the rear of the property with access via a driveway from Lyndale Avenue N. To meet the parking requirement, the applicant is opting for a reduction from four spaces to three by providing a bicycle rack, per Section 541.220 of the zoning code. A minimum of four bicycle parking spaces are required to meet this incentive. As stated above, some of the staff members for the proposed use will also work in the child care center in the adjacent building at 4324 Lyndale Avenue N. As such, some of the staff will be parking on the adjacent property. The child care center also proposes to provide transportation for some of the children.

The bicycle parking requirement for a child care center is three short-term spaces. In order to meet the bicycle parking requirement and qualify for the parking reduction, a total of seven bicycle parking spaces are required. Bicycle parking will be provided in an existing paved area on the south side of the building.

The use is also subject to specific development standards in Chapter 536 of the Zoning Ordinance, including a requirement for a designated area for the short-term parking of two vehicles engaged in loading and unloading children. The applicant is working with Public Works staff to obtain two drop-off spaces within the right-of-way directly in front of the building.

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

The Minneapolis Plan for Sustainable Growth designates the site as transitional industrial on the future land use map. The transitional industrial designation is for industrial properties located outside of industrial employment districts that are expected to evolve into other uses that are compatible with the surrounding area. The property fronts on Lyndale Avenue, which is a community corridor in this location. The following policies of the Comprehensive Plan apply:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

CPED Planning Division Report

BZZ-5646

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

Land Use Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

- 1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

Allowing a child care center to be established in an existing non-residential building along a community corridor and in a transitional industrial area is consistent with the above 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 upon approval of this conditional use permit.

With the approval of the conditional use permit, the site and use would be in compliance with the applicable regulations of the R5 district. The property was rezoned from I2 to R5 in 1999. The site conditions related to parking, access and impervious surface were in existence at that time and therefore the site has grandfather rights for the current site conditions.

Specific Development Standards:

In addition to the conditional use standards, the following specific development standards also apply to child care centers:

1. 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.

Staff comment: The use is in a non-residential building.

2. The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading children, as specified in Chapter 541, Off-street Parking and Loading. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

CPED Planning Division Report
BZZ-5646

Staff comment: The applicant is proposing two drop-off spaces within the right-of-way directly in front of the building and is working with Public Works accordingly.

3. Play equipment shall not be located in required front, side, or rear yards and shall be effectively screened from any adjacent residential use located in a residence or office residence district or from a ground floor permitted or conditional residential use, as specified in Chapter 530, Site Plan Review.

Staff comment: Play equipment is proposed in the rear yard of the site. There are no adjacent residential uses.

4. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.

Staff comment: No new construction is proposed as part of the Conditional Use Permit. The child care center is proposed in an existing building.

5. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Staff comment: The property to the north of the site is under common ownership and contains a child care center that is affiliated with the proposed use. The property to the south is vacant land owned by the Minneapolis Park Board. Given the fact that the surrounding area is primarily industrial and the property to the north is affiliated with the proposed use, staff is not requiring any additional screening or buffering at this time. On the south side of the property, a chainlink fence with vegetation separates the site from the Park Board land to the south.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the amended 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 for a child care center at the property of 4320 Lyndale Avenue N, 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 designated drop-off spaces shall be provided as approved by Public Works, as specified in Chapter 541, Off-street Parking and Loading.

CPED Planning Division Report

BZZ-5646

- 3) A fence or similar barrier shall be installed around the perimeter of the play area to provide adequate separation from the parking stalls and drive aisle.

Attachments:

1. Statement and findings from applicant.
2. Zoning maps.
3. Site plans and floor plans.
4. Photos.