

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5679

Date: August 27, 2012

Applicant: Si and Thomas Nguyen

Addresses of Property: 2612 and 2614 1st Avenue South

Project Name: Sunshine Adult Day Care

Contact Person and Phone: Thomas Nguyen, (612) 222-1333

Planning Staff and Phone: Shanna Sether (612) 673-2307

Date Application Deemed Complete: August 2, 2012

End of 60-Day Decision Period: October 1, 2012

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R2B Two-Family District and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 25

Legal Description: Not applicable for this application

Proposed Use: Development achievement center (adult day care)

Conditional use permit: to allow for a development achievement center

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

Background: The subject property is approximately 114 feet by 130 feet (14,820 square feet) and includes an existing commercial structure and an off-street parking area. The structure was built in 1921 as an automobile repair garage. The last documented use of the property was a shopping center, which is a nonconforming use in the R2B Two-Family District. In 2010, the city planning commission granted an application for a change of nonconforming use to allow for a barber shop/beauty salon in the building. The applicants are proposing to legally convert the use of the property to an adult day care. The applicants have described the use as a community based program designed to meet the needs of adults with functional impairments through an individual plan of care. The proposed services that would be provided would include health, social and support services less than 24 hours per day. A complete list of services has been provided by the applicant and is attached to this report. The proposed use, as described by the applicant, meets the definition of a development achievement center. A development achievement center is defined as a facility in which a program of care, supervision, training or

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habilitation services licensed by the Minnesota Department of Human Services. A development achievement center is a conditional use in the R2B Two-Family Residence District and the applicants are requesting a conditional use permit.

Staff has received a letter from Whittier Alliance stating that they support the application to allow for an adult day care use, provided all building and day care licensing conditions are met and the landscaping is completed prior to the business opening. A copy of this letter is attached to the staff report. Staff will forward additional comments, if any are received, at the city planning commission meeting.

CONDITIONAL USE PERMIT: to allow for a development achievement center in the R2B District

Findings as required by the Minneapolis Zoning Code: The Community Planning and Economic Development Planning Division 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 establishment of a development achievement center within an existing residential building will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances. The shopping center was a nonconforming use and the proposed development achievement center is a conditional use in the R2B District. The establishment of this conditional use will not allow for the previous nonconforming use to be reestablished or changed to another nonconforming use per section 531.40(b) of the zoning code. The applicant will also be required to obtain a license for the proposed use from the Minnesota Department of Human 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.

The surrounding area is fully developed and consists of office, residential and commercial uses. Nicollet Avenue, one-half block from the site is a commercial corridor with a mix of land uses and intensities. The development achievement center will be provided within the existing structure and should not impede on the normal or orderly development of surrounding property in the area. The proposed services that would be provided would include health, social and support services less than 24 hours per day. The applicant has indicated the business will be open from 9 a.m. to 5 p.m., six days per week. A complete list of services has been provided by the applicant and is attached to this report. The applicants have an accessible van and pick-up clients from their residences to bring them to the site. There is an on-site parking area that will provide 11 off-street parking stalls for employees plus 2 drop-off spaces. The property is also subject to design and maintenance requirements in Chapters 530 and 541 of the zoning code. The applicants are proposing several improvements to the property including additional landscaping, a trash enclosure and screening of the property.

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

The utilities, access, drainage, and other measures are existing and adequate.

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

The specific off-street parking requirement for the proposed use is 1 space per 500 square feet of gross floor area plus 2 drop-off spaces. The floor area for the use is approximately 4,617 square feet; therefore, the minimum parking requirement is 9 spaces plus 2 drop-off spaces. The site is also located in the PO Pedestrian Oriented Overlay District. The PO District authorizes the minimum off-street parking requirement for nonresidential uses to be reduced by twenty-five (25) percent. After the PO District parking reduction is applied, the required parking for the proposed project is 7 spaces plus 2 drop-off spaces. With the proposed site improvements, there will be 11 off-street parking spaces plus 2 drop-off spaces. The applicants have an accessible van and pick-up clients from their residences to bring them to the site.

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

The Minneapolis Plan for Sustainable Growth shows that the subject property is designated as Urban Neighborhood on the future land use map. The property is also located on the same block as Franklin Avenue, a commercial corridor and directly across 21st Avenue South from an activity center.

a. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the conditional use:

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

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Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

b. Consistency with plans:

This property is located within a study area governed by the adopted small area plan: *Nicollet Area: The Revitalization of Minneapolis' Main Street*. This plan was adopted by the City Council in 2000. The plan, however, does not give any specific guidance for the subject property.

Staff believes that the proposed use is in conformance with these 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, with the approval of this conditional use permit.

With the approval of the conditional use permit and the proposed site improvements the proposed use will conform to the applicable district regulations in the R2B and PO Districts.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for 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 to allow for a development achievement center in an existing building for the properties located at 2612-

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2614 1st Avenue South in the R2B Two-Family District and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site, landscaping, and floor plans.
2. 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.
3. All site improvements shall be completed by August 27, 2014, unless extended by the Zoning Administrator or the permit may be revoked for non-compliance.

Attachments:

1. Written descriptions and finding submitted by applicant
2. Copy of an e-mail sent to Whittier Alliance and Council Member Lilligren
3. Copy of the letter sent from Whittier Alliance
4. Zoning map
5. Future land use map
6. Site plan/floor plan
7. Photographs