

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5790

Date: October 15, 2012

Applicant: Samantha Eubanks

Address of Property: 1500 6th Street Northeast

Project Name: Smiling Faces Child Development Center

Contact Person and Phone: Samantha Eubanks, (612) 355-9935

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

Date Application Deemed Complete: September 21, 2012

End of 60-Day Decision Period: November 20, 2012

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

Ward: 3 Neighborhood Organization: Sheridan Neighborhood Organization

Existing Zoning: R1A, Single family district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 9

Legal Description: Lots 1 to 11 incl and lots 27 to 36 incl and the S 1/2 of lot 26 incl adj alley vacation, Block 8, Cutters Addition to Minneapolis.

Proposed Use: Child care center

Concurrent Review:

Conditional use permit: for a child care center in the R1A district.

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

Background: The applicant is proposing to establish a child care center in an existing non-residential building at 1500 6th Street Northeast. Specifically, 1,146 square feet of space in the existing building will be leased to Smiling Faces Child Development Center. The building currently contains another K-12 Charter School and a place of assembly. A separate land use application is being processed for this same building to allow a second K-12 school. The building formerly housed the Holland Community School, which closed in 2005.

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The site is 2.86 acres and includes the existing building, two surface parking lots and a large playground. One surface parking lot is located in the northwest corner of the site. This surface lot also accommodates a bus transfer area and deliveries. This parking area is proposed to be modified with landscaping and screening as part of this application. A second surface parking lot is located in the southeast corner of the site. This parking area is also proposed to be modified with landscaping and screening as part of this application. There is a curb cut that provides access to the southeast parking lot. The remainder of the south portion of the site is playground space. An existing fence and gate will be relocated on the site so as to separate the parking area from the playground space, but when necessary the gate will be opened to allow maintenance and snow removal vehicles to enter the playground area.

Parking lots of more than four spaces are subject to the landscaping, screening and curbing requirements of Chapter 530, Site Plan Review. When an application for a conditional use permit comes forward for a particular property, said land use application is what prompts the need for design and maintenance of the parking lot in accordance with the Chapter 530 standards. Those standards apply to this project as evaluated below:

- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. The northwest parking lot currently contains a landscaped yard between the parking area and the west property line along 5th Street Northeast that is 9.7 feet in width. The southeast parking lot will be modified to provide a 7-foot wide landscaped yard along the east property line, between the parking area and 6th Street Northeast, and a landscaped area that is a minimum of 36 feet wide between the parking area and the south property line along 15th Avenue Northeast. All of these landscaped yards are proposed to include plantings and rock mulch that is 1.5 inches in diameter. Rock mulch shall not be permitted in the required landscaped yards. As a condition of approval, the rock mulch shall be replaced with turf grass.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The landscaped yard in the northwest parking lot will contain a row of shrubs for the entire length of the parking area that will be three feet in height and reach the required opacity. The landscaped yards in the southeast parking lot will also include a row of shrubs for the entire east side of the parking area and three trees along the south property line. The shrubs in this location will also be a minimum of three feet in height and 60 percent opaque. The trees proposed along the south property line will not achieve opacity of 60 percent, as required. Additional plantings will be required in this location as a condition of approval. Staff also recommends that perennial plantings be provided in this large landscaped area to further buffer the parking area from the street.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. There is 175 feet of parking lot frontage along 5th Street Northeast, requiring seven trees. There are two existing canopy trees in this location and five trees are proposed. Of the five proposed, two are canopy trees and three are ornamental. The southeast parking lot has 175 feet of frontage along 6th Street Northeast and 67 feet of frontage along 15th Avenue Northeast. The east frontage requires seven trees and the south frontage requires three. The required number of trees is being provided in both locations through an assortment of canopy trees and ornamental trees. A total of six canopy trees and four ornamental trees will be provided adjacent to this parking lot. An additional ornamental tree is proposed in the northwest corner of this lot.

- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. All parking spaces will meet this requirement with the proposed landscape design.

CONDITIONAL USE PERMIT: for a child care center in the R1A, Single family district.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division 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 Planning Division does not believe that locating a child care center within the existing building will be detrimental to or endanger the public health, safety, comfort or general welfare. The existing building was originally constructed as a school in 1968. The building housed Holland Community School until 2005 and currently contains a K-12 school and a place of assembly. No modifications are proposed to the exterior of the building as part of the project. The applicant is proposing landscaping improvements to both parking lots.

- 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 Planning Division does not believe that locating a child care center in the building located at 1500 6th Street Northeast will be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The surrounding area is fully developed with residential uses and a place of assembly. The site has nearly always contained a school. The original Holland Community School building was constructed on the site in 1886. That building was later demolished and the existing building was constructed in 1968. The proposed use would involve adaptive reuse of the existing building and will be in keeping with the character of the area. The applicant is proposing additional landscaping and screening as part of the project to achieve compliance with Sections 530.170 and 531.110 of the zoning code. Planning Division staff is recommending minor modifications to the proposed design to be in keeping with the ordinance. The proposed improvements will help to mitigate any impacts of the proposed use.

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

Utilities and access roads are existing and adequate. There will be no impacts made on the utilities, roads or drainage with the establishment of a school with four classrooms.

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

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The use is not expected to contribute to traffic congestion in the public streets. The building currently contains a K-12 school and a place of assembly. The subject application is for a child care center and a separate application is being processed to allow a second K-12 school in the same building. The parking requirement for the proposed child care center is one space per 500 square feet of gross floor area plus two drop-off spaces. The proposed child care center is 1,146 square feet, which requires four parking stalls plus two drop-off spaces. The parking requirement for a K-12 school is one space per classroom plus one space for every five students of legal driving age. The proposed school will have four classrooms and zero students of driving age, as it is for Kindergarten only. The parking requirement for the proposed K-12 school is four spaces. The total parking requirement for the proposed uses is 8 spaces plus two drop-off spaces.

In July 2011, a shared parking agreement was approved for the existing school and place of assembly. The parking requirement for the two existing uses is as follows:

Use	Parking	Weekdays				Weekends	
		2:00 am-7:00 am	7:00 am - 6:00 pm	6:00 pm - 2:00 am	2:00 am-7:00 am	7:00 am - 6:00 pm	6:00 pm - 2:00 am
Place of Assembly	28.1	0	7.025	14.05	0	28.1	14.05
K-12 School	17	0	17	4.25	0	5.1	1.7
Total parking	45.1	0	24.025	18.3	0	33.2	15.75

As illustrated above, the maximum number of parking stalls required for the two existing uses at any time is 33 stalls. In total, the parking requirement for all uses in the building is 41 spaces plus two drop-off spaces. A total of 57 off-street parking stalls will be provided on site. Of these, 16 spaces will double as a bus loading zone between 2:30 and 3:30 p.m. on weekdays. These 16 spaces are not required parking and as such, they may be used for bus loading and unloading during this time. Having the bus loading occur on site will further minimize any congestion in the adjacent public streets. Drop off spaces for the child care center will be provided in the northwest parking lot and will need to be signed accordingly as a condition of approval.

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

This site is designated as Urban Neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The Urban Neighborhood designation is describe as predominantly residential with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. Urban Neighborhood may include undesignated nodes and some 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 polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

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.

- 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 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing or 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.

Urban Design Policy 10.18: Reduce the visual impact of automobile parking facilities.

- 10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.18 Encourage appropriate land uses to share parking lots to reduce the size and visual impact of parking facilities.

The Planning Division finds that the proposed use is in conformance with the prescribed guidance provided in *The Minneapolis Plan for Sustainable Growth*.

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

- **Use:** A child care center is a conditional use in the R1A, Single family zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for all uses in the building is 41 spaces, as detailed above. A total of 57 spaces are provided on site, 16 of which will double as a bus loading area for one hour each day.

Maximum automobile parking requirement: The maximum parking requirement for the uses located within the building is as follows:

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Child care center: One space for each 200 square feet of gross floor area and up to four drop off spaces. The proposed child care center is 1,146 square feet, equating to a parking maximum of 6 spaces.

School, K-12: One space per classroom plus one space for every three students of legal driving age. The proposed school has four classrooms and zero students of legal driving age, for a maximum requirement of four spaces. The existing school has 17 classrooms and zero students of legal driving age, requiring 17 spaces.

Place of assembly: Parking equal to 40 percent of the capacity of persons in the main auditorium and any rooms that can be added to the main auditorium by opening doors or windows to obtain audio or video unity. The subject space for the existing place of assembly is 4,228 square feet, equating to a parking maximum of 113 spaces.

The total maximum parking requirement for the site is 146 spaces. The 57 spaces proposed between the two parking lots are within the parameters allowed.

Bicycle parking requirement: The minimum bicycle parking requirement for the uses in the building is 66 spaces, calculated as follows:

School, K-12: Three spaces per classroom. The proposed school has four classrooms and the existing school has 17 classrooms, requiring 63 spaces.

Place of assembly: No minimum bicycle parking requirement.

Child care center: Three spaces.

A total of 63 bicycle parking spaces are proposed. Bike racks are proposed on the west side of the building, adjacent to the parking area, and on the north side of the building.

Loading: The loading requirement for a K-12 school is low, as is the requirement for the place of assembly. The child care center does not have a loading requirement. One small loading space is required and one is provided on the west side of the building.

- **Maximum Floor Area:** No changes are proposed to the size of the building.
- **Building Height:** No changes are proposed to the height of the building.
- **Minimum Lot Area:** No changes are proposed to the size of the lot.
- **Yard Requirements:** No changes are proposed to setbacks.
- **Maximum lot coverage:** No changes are proposed to the size of the building.

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- **Maximum impervious surface:** The amount of impervious surface on the site will be reduced with the incorporation of landscaped yards in the southeast corner of the site, provided the rock mulch is replaced with turf grass.
- **Specific Development Standards:** Child care centers are subject to the following specific development standards:

Child care center

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.
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.
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.
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.
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.

The building was originally constructed as a school. The parking requirement as calculated above took into account the two drop-off spaces required for the use. As a condition of approval, two of the spaces in the northwest parking lot will need to be designated and signed accordingly. No additions are proposed as part of the project and additional landscaping will be provided to achieve an appropriate transition area. The use currently occupies more than one half of a City block. No modifications are proposed to play equipment, which was established on site for the original school use.

- **Signs:** No signage is proposed at this time. The sign allotment for a child care center in residential districts is one wall identification sign not exceeding 16 square feet at a maximum height of 14 feet. In addition, one monument sign not exceeding 16 square feet in area and six feet in height is allowed.
- **Refuse storage:** The refuse container is currently located on the west side of the building, near the parking lot. To meet the requirements of the zoning code the refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or

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conditional residential uses. The trash enclosure will have an opaque gate and be screened on three sides with shrubs.

- **Lighting:** Lighting exists at the site.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the 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 1500 6th Street Northeast, 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. Approval of the final site, landscaping and dumpster enclosure plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by October 15, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. Two drop-off spaces shall be provided within the northwest parking lot and proper identification signage shall be provided.
5. The rock mulch proposed within the landscaped yards shall be replaced with turf grass.
6. Perennials and shrubs that are a minimum of three feet in height and 60 percent opaque shall be provided along the south side of the southeast parking area, in compliance with Section 530.170 of the zoning code.

Attachments:

1. Statement of proposed use and description of project
2. Site improvement narrative
3. Zoning Map
4. Site plan and floor plans
5. Photos of property and existing structures.