

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4552

Date: September 28, 2009

Applicant: Atrebla Early Learning Center

Addresses of Property: 200 East Lyndale Avenue North and 250 Lakeside Avenue

Project Name: Atrebla Early Learning Center

Contact Person and Phone: Gershon Smith, (612) 588-7373

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

Date Application Deemed Complete: September 1, 2009

End of 60-Day Decision Period: October 31, 2009

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

Ward: 5 Neighborhood Organization: North Loop Neighborhood Association

Existing Zoning: I2, Medium Industrial District and DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Legal Description: Not applicable for this application.

Proposed Use: Child Care Center

Concurrent Review:

Conditional use permit: to extend the hours open to the public in order to operate the Atrebla Early Learning Center Monday through Friday 6 am to 1 am.

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

Background: The Atrebla Early Learning Center is located in a mixed-use building located at 200 East Lyndale Avenue North and 250 Lakeside Avenue. The Atrebla Early Learning Center is a child care center that provides childcare services for children ages 16 months to 12 years. The site is located in the I2, Medium Industrial District. The allowed hours open to the public in the I2 zoning district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. This facility is open

Monday through Friday 6 am to 1 am. In order to be open until 1 am a conditional use permit for extended hours is required.

CONDITIONAL USE PERMIT: to extend the hours open to the public in order to operate the Atrebla Early Learning Center Monday through Friday 6 am to 1 am

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 extending the hours open to the public for the Atrebla Early Learning Center on Mondays through Thursdays from 10 pm to 1 am and on Fridays from 11 pm to 1 am will be detrimental to or endanger the public health, safety, comfort or general welfare. Atrebla early Learning Center has been operating in this location since August of 2007. Please note that they have been operation until 1 am without a conditional use permit.

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 extending the hours open to the public for the Atrebla Early Learning Center on Mondays through Thursdays from 10 pm to 1 am and on Fridays from 11 pm to 1 am will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The use is located in an industrial area and occupies less than 4,000 square feet of the mixed-use building. The nearest residential use is located on the south side of Glenwood Avenue along East Lyndale Avenue North.

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

The Planning Division would not expect the utilities, access roads, drainage and other facilities to be affected by the extended hours of operation.

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

The parking requirement for the use is seven spaces plus two designated drop off spaces. There are nine parking spaces for the child care center located in the parking area on the north side of the building. None of the parking spaces are specifically designated as drop off spaces for the child care center. The Planning Division is recommending that two of the on-site parking spaces be designated as drop off spaces for the child care center.

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

The site is located on East Lyndale Avenue North just north of Glenwood Avenue. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

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

550.90. Hours open to the public. The hours open to the public may be extended by conditional use permit as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

1. Proximity to permitted or conditional residential uses.

The nearest residential use is located on the south side of Glenwood Avenue along East Lyndale Avenue North.

2. Nature of the business and its impacts of noise, light and traffic.

The use occupies less than 4,000 square feet and would not be expected to generate a lot of late night noise, light and traffic.

3. Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The project is in conformance with the general standards of the zoning ordinance.

4. History of complaints related to the use.

Staff reviewed the police incidents report associated with the property. According to City records there have been several police calls made; however, the calls do not appear to be related to late night operational hours. The Planning Division contacted the First Police Precinct in order to determine if they had any concerns with this specific application. Inspector Kristine Arneson indicated that there were no issues.

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 to extend the hours open to the public in order to operate the Atrebla Early Learning Center Monday through Friday 6 am to 1 am located at 200 East Lyndale Avenue North and 250 Lakeside 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 shall be designated as drop off spaces for the child care center.

Attachments:

1. Responses to the conditional use permit findings
2. Police incidents report
3. E-mail correspondence from the First Police Precinct
4. August 31, 2009, letters to Council Member Samuels and the North Loop Neighborhood Association
5. Zoning map
6. Site plan and floor plan
7. Photos of the site