

GENERAL INFORMATION

Applicant: Enclave Companies

Location: Citywide

Request: Privately initiated City Code Amendment to change day cares from limited uses to conditional uses in the C-4 Zoning District

CHRONOLOGY

Planning Commission 11/02/2023 – Recommended Approval.

City Council 12/4/2023 – Public Hearing scheduled.

DEADLINE FOR AGENCY ACTION

Application Date: 09/20/2023

60 Days: 11/19/2023

Extension Letter Mailed: Yes

120 Days: 01/18/2024

Applicable Deadline: 01/18/2024

Newspaper Notification: Confirmed – (10/19/2023 Sun Current – 10-day notice)

Direct Mail Notification: Not applicable

STAFF CONTACT

Liz O'Day
Phone: (952) 563-8919 E-mail: eoday@BloomingtonMN.gov

PROPOSAL

Enclave Companies applied for a privately initiated City Code Amendment to change day cares from limited uses to conditional uses in the C-4, Freeway Office Zoning District. The proposed ordinance would amend Section 21.209 (Use Tables) of the City Code. As explained in more detail below, the City Code amendment would allow day cares as standalone uses in the C-4 District.

ANALYSIS

Day cares are limited uses in the C-4 zoning district. A limited use is defined as “a subordinate use that does not constitute more than 25% of the total floor area in a building.” Recently, the Development Review Committee reviewed pre-application materials for Enclave Companies’ proposed multi-family apartment building and a freestanding daycare at 6701 West 78th Street. The City Code limited use standard would not allow a freestanding daycare. The use must be located within the primary building and occupy no more than 25% of the floor area in that building.

The applicant seeks a City Code amendment to allow day cares as a conditional use in the C-4 zoning district. With this proposed change, the day care size limitation is removed and could be in a standalone building. The day care would be subject to a Conditional Use Permit review and approval. The applicant seeks to establish a multi-family apartment building and day care facility through a separate and subsequent development application, should the proposed ordinance amendment be approved.

The intent of the C-4 zoning district (City Code Section 21.205.04) is as follows: *The Freeway Office (C-4) District is designed to provide for regionally oriented office and hotel uses as well as supporting accessory uses. The C-4 District is intended to ensure that commercial uses with incompatible characteristics will not impede or disrupt the establishment of a cohesive grouping of office and office compatible uses, require appropriate levels of development intensity, promote hospitality uses, and allow integration of residential uses.*

There are 118 parcels in Bloomington zoned C-4, mostly concentrated along American Boulevard and I-494. The C-4 Freeway Office Zoning District was created as a commercial district that encourages residential uses within a mixed-use development. The District allows multi-family residential as permitted uses, provided at least 0.20 FAR of non-residential floor area exists on site. Other similar uses to a day care that are permitted as conditional uses in the C-4 zoning district include sports training facilities, hospitals, and K-12 schools. Staff agrees day cares are consistent with schools and training facilities and consistent with the purpose and intent of the C-4 zoning district. Staff also notes that there is currently a lack of day care opportunities in the region, evidenced by long waiting lists for day care openings.

Furthermore, since the COVID pandemic, the office market has changed significantly. The C-4 zoning district is designed to encourage office and similar types of service uses. Staff believes it is important to increase flexibility and allow for additional compatible uses within office oriented zoning districts given the high level of office vacancy in order to encourage the development of vacant land or underutilized properties. Day cares are compatible with both office and residential uses.

RECOMMENDATION

The Planning Commission and Staff recommend approval using the following motion:

Motion by _____, seconded by _____ to adopt Ordinance No. 2023-_____, AN ORDINANCE TO CHANGE DAYCARES FROM A LIMITED USE TO A CONDITIONAL USE IN THE C-4 ZONING DISTRICT, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE.

Staff also recommends summary publication of the ordinance using the following motion:

Motion by _____, seconded by _____, to approve Resolution No. 2023-_____ authorizing summary publication of Ordinance No. 2023-_____, AN ORDINANCE TO CHANGE DAYCARES FROM A LIMITED USE TO A CONDITIONAL USE IN THE C-4 ZONING DISTRICT, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE.