GENERAL INFORMATION

Applicant:	Barwaaqo Child Care (User) 8200 Humboldt Corporation (Owner)
Location:	8200 Humboldt Avenue South
Request:	Conditional Use Permit for a day care facility serving up to 60 children
Existing Land Use and Zoning:	Office; zoned Neighborhood Office (B-1)
Surrounding Land Use and Zoning:	North – Office; zoned C-4(PD) South and West – Single-family dwellings; zoned R-1 East – Interstate Highway 35W; right-of-way
Comprehensive Plan Designation:	Office

HISTORY

City Council Action:	07/26/82 – Approved variances for increased signage (Case #7593AB-82). 10/18/93 – Approved a variance to increase the size of wall signage (Case #7593A-93).

CHRONOLOGY

Planning Commission	09/07/2017 – Public Hearing Scheduled

PROPOSAL

Barwaaqo Child Care seeks approval for a day care facility serving up to 60 children at 8200 Humboldt Avenue South. The proposed day care would occupy the northern tenant space on the first floor of a three-story office building. The total day care facility staff will consist of 22 persons, 11 of which will be on duty on the maximum shift. The children served by the day care range in age from toddlers to school age (1-12 years in age). The proposed day care center includes services and care for children with autism and other intellectual and developmental disabilities.

The subject tenant space is approximately 3,860 square feet. The proposed facility includes a welcome and reception area, office, preparation kitchen, bathroom facilities, and four

classrooms, ranging from 400 to 650 square feet in size. The day care would have two access points; one provided on the west side of the building via the main entrance to the office building, and a second new and ADA-compliant access provided at the northeast corner of the building. A sidewalk connection to the public sidewalk network along Humboldt Avenue South would be provided.

ANALYSIS

Day care facilities are conditional uses in the B-1 zoning district. As part of the conditional use permit review, staff performs a review of the proposed use and its relationship to the subject property according to performance standards of the City Code.

Code Compliance

City Code requires the proposed day care facility to meet multiple City Code performance standards. The City Code requires all trash and recyclables to be contained within the building. Staff recommends a condition that the applicant provide internal access to the necessary trash facilities within the office building. The finish schedule and trash room size must comply with the requirements of City Code (Section 19.51) for the proposed use.

The day care facility food service would be prepared and delivered by a licensed caterer. The proposed day care floor plan includes a kitchen to store and prepare the delivered food. All of the appliances and finishes within the kitchen must meet the Bloomington Environmental Health Division requirements. Staff proposes a condition of approval requiring approval of the facility's food service plan by Environmental Health.

With the exception of exterior lighting and access (ADA) improvements, the applicant is not proposing significant changes to the exterior site. Should the day care operators desire to install an outdoor play area, play apparatus over four feet in height must not be located in the front yard of the property and must maintain a 15-foot setback to side or rear property lines. At this time, the day care proposes to transport children to local public parks for recreation. Should they desire to install an on-site play apparatus in the future, Final Site and Building Plans may need to be approved depending on the location of the play area.

Landscaping, Screening and Lighting

Landscaping is a site characteristic where conformance to City Code is only triggered when the floor area on site is increased by 25 percent or more. Given that no expansion to the building is proposed, conformance to landscaping requirements is not triggered.

According to the City's lighting ordinance (Section 21.301.07(c)(13)), a minimum illumination of 2.0 foot-candles is required on parking surfaces for service oriented uses. In addition, primary entrances for service oriented uses must have a minimum illumination of 10.0 foot-candles.

Presently, the subject property is not compliant with the City's exterior lighting requirements. City Code requires for a change of use, the parking spaces dedicated to the new use be brought into conformance with parking lot and security lighting. The primary entrance to the day care facility will also need to meet the minimum illumination levels. The applicant has submitted a lighting plan showing the installation one light pole and wall mounted fixtures to illuminate the designated parking area. The applicant will be responsible for submitting a lighting plan that meets all of the submittal requirements specified in the City Code. The Lighting Plan must be approved prior to issuance of a building permit.

Access, Circulation, and Parking

The site has direct access to Irving Avenue South and Humboldt Avenue South and is adjacent to West 82nd Street, an arterial road according to the City's Transportation Plan. The arterial road can safely accommodate the anticipated levels of traffic generated by the proposed use. Effective ingress/egress to the site is provided to Irving Avenue South and Humboldt Avenue South (one-way southbound movements only).

City Code (Section 21.301.06(d)) establishes the number of off-street parking spaces required to be provided according to the use of the property. Table 1 provides an analysis of the parking requirements for the overall proposed use of the three-story office building. The Code required parking is 182 parking stalls. The site presently has 233 parking stalls (192 surface stalls, 41 underground garage stalls). As a result, there is enough parking on-site to accommodate the proposed day care facility. Based on the operational details of the proposed day care facility (60 participants maximum, 11 staff persons on maximum shift), the Code-required quantity of parking for the proposed use is 18 stalls. The site plan provided by the applicant designates 18 parking stalls in close proximity to the subject tenant space.

Table 1 – Parking Analysis for 8200 Humboldt Avenue South

Use Description	Standard	Proposed	Required Parking (stalls)
Day Care Facility	1.2 spaces for each 10 program participants, plus 1 space per caregiver on maximum shift	60 program participants 11 caregivers on maximum shift	18.2
Office	One space per 285 sq. ft.	46,626 sq. ft.	163.6
Total Parking requirement Per City Code			182
Existing Parking			233

Traffic Review

The City's Traffic Division reviewed the proposed use and subject property. Based on the location and roadway connectivity for 8200 Humboldt Avenue South, it is anticipated that most trips will enter the site from West 82nd Street onto southbound Humboldt Avenue South and take a right into the site. It is also estimated that most trips leaving the site would exit the parking lot directly onto either Irving Avenue South to access W 82nd Street or onto Humboldt Avenue South to travel south. The trips generated by the proposed daycare are estimated by the Institute of Transportation (ITE) Trip Generation Manual to be approximately 269 trips per day (based on the proposed 60 students). For comparison, a general office use in this 3,860 square foot space would generate an estimated 43 trips per day. Traffic counts for the referenced roadways are the following:

Table 2 - Traffic Volumes in Proximity to 8200 Humboldt Avenue South

Location	Roadway Classification	Daily Trips
West 82nd Street	Minor Arterial	12,300
Humboldt Ave S north of W 83rd St	Local	700
Humboldt Ave S south of W 83rd St	Local	500
Irving Ave S north of W 83rd St	Local	Data Unavailable

For reference, the Comprehensive Plan designates arterial roadways to accommodate between 5,000-30,000 vehicle trips per day, while local roadways are designed for 1,000 trips or less per day. As a minor arterial roadway, West 82nd Street has enough capacity to accommodate the anticipated increase in traffic as a result of the proposed use. In addition, the surrounding local roadways are not anticipated to experience increased levels of traffic beyond what is appropriate for a local roadway. Based on the anticipated travel pattern to and from the subject property, Traffic Division staff are confident that there is adequate capacity to serve the proposed day care facility.

Transit and Transportation Demand Management (TDM)

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist. The Tier 2 TDM plan will need to be submitted prior to the issuance of a building permit for the internal changes to the structure.

Fire Preventions and Public Safety

Both E and I occupancy classifications within the building will require sprinkler protection and a fire alarm system throughout the tenant space and any egress and/or other areas within the building that will be used by the applicant.

Any changes made to the current plans, including building modifications, access driveways and landscaping shall be reviewed by the Fire Marshal to ensure continued compliance with the Fire Code.

Status of Enforcement Orders

8200 Humboldt Avenue South is currently subject to open enforcement orders related to exterior building maintenance. Staff is recommending that these violations be corrected prior to the issuance of a permanent Certificate of Occupancy for the proposed day care facility.

Public Comment

The City received a letter regarding the proposed conditional use permit from a property owner of a single-family dwelling in the area. The letter expresses two primary concerns: 1) the proposed day care will result in increased traffic on surrounding local roads, specifically Haeg Drive, and 2) the proposed use will cause further disrepair of the building.

The Traffic Division evaluated the proposed use from a traffic perspective. On the local roadways within proximity to the subject property, Traffic Division staff does not anticipate levels of increased traffic resulting from the proposed day care use that are beyond what is appropriate for a local roadway. The most recent traffic count for Haeg Drive found 200 vehicle trips per day. Local roadways typically accommodate 1,000 vehicle trips per day or less. The anticipated traffic pattern as evaluated by the Traffic Division indicate that the majority of vehicle trips generated by the proposed use will be accommodated by West 82nd Street.

Regarding exterior building maintenance, the property is subject to open enforcement orders. The property owner is working with the Environmental Health Division to correct the violations and a contractor has been hired. Staff is recommending a condition of approval that the permanent Certificate of Occupancy for the day care facility not be issued by the Building and Inspections Division until all violations are corrected. Staff does not anticipate that the operation of the proposed day care will be harmful to the surrounding neighborhood.

FINDINGS

Required Conditional Use Permit Findings - Section 21.501.04 (e) (1)-(5)

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	**Finding Made** – The subject property is guided Office by the Comprehensive Plan. A day care facility located on a parcel with the Office land use designation does not conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	**Finding Made** – The property is not located within an area with an adopted District Plan.
(3) The proposed use is not in conflict with City Code provisions.	**Finding Made** – Subject to compliance with the conditions of approval, the proposed use is not in conflict with City Code provisions.
(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	**Finding Made** – The proposed use is not of a nature, scale or intensity to create an excessive burden on parks, schools, or other public facilities and utilities. The subject property is immediately adjacent to an arterial road, providing safe and efficient travel to the subject property.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	**Finding Made** – The day care facility is proposed within an existing office building in a commercial zoning district. The operation of the day care is primarily contained to within the office building, ensuring the use will not be injurious to the surrounding neighborhood. The proposed use meets the City Code requirements for day care facilities, ensuring it will not harm the public health, safety and welfare.

RECOMMENDATION

Note the Planning Commission has final approval authority on this Conditional Use Permit application unless an appeal to the City Council is received by 4:30 p.m. on September 12th.

Staff recommends approval of the Conditional Use Permit through the following motion:

In Case PL201700147, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for a day care facility serving up to 60 children

located at 8200 Humboldt Avenue South, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL201700147

Project Description: Conditional Use Permit for a day care facility in the B-1 zoning district serving up to 60 children.

Address: 8200 Humboldt Avenue South

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1.	Prior to Permit	A building permit for all required changes to accommodate the proposed use be obtained.
2.	Prior to Permit	Sewer Availability Charges (SAC) must be satisfied.
3.	Prior to Permit	All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
4.	Prior to Permit	Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
5.	Prior to Permit	Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
6.	Prior to Permit	Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
7.	Prior to Permit	Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
8.	Prior to C/O	All open enforcement orders issued by the Environmental Health Division must be resolved prior to issuance of a permanent Certificate of Occupancy.
9.	Prior to C/O	Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
10.	Ongoing	The site and building improvements are limited to those as shown on the approved plans in Case File #PL201700147.
11.	Ongoing	All construction related loading, unloading, pickup, drop-off, stockpiling, staging and parking must occur on-site and off public streets.
12.	Ongoing	Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.
13.	Ongoing	Development must comply with the Minnesota State Accessibility Code (Chapter 1341).