

GENERAL INFORMATION

Applicant: St. Stephen Evangelical Lutheran Church (owner)

Location: 8400 France Avenue South

Request: Conditional use permit for a day care in an existing place of assembly

Existing Land Use and Zoning: Place of assembly; zoned R-1, Single Family Residential

Surrounding Land Use and Zoning: North – Single family; zoned R-1, Single Family Residential
 East – Park; zoned R-1, Single Family Residential
 South – Apartments; zoned R-1 (PD), Single Family Residential (Planned Development)
 West – Office; zoned R-1, Single Family Residential

Comprehensive Plan Designation: Quasi-Public

HISTORY

City Council Action: 08/19/85 – Two-year conditional use permit for Jane Lynch’s child care center. City Council approved. (4556A-85).

12/19/94 – Three-year temporary conditional use permit for a daycare facility in a church. City Council approved. (Case 4556A-94).

05/01/95 – Final Site and building plans for a sanctuary and classroom addition and miscellaneous remodeling. City Council approved. (Case 4556B-95).

12/01/97 – Five-year temporary conditional use permit for a daycare facility in a church. City Council approved. (Case 4556A-97).

01/06/03 – Five-year temporary conditional use permit for a daycare facility in a church. City Council approved. (Case 4556A-02).

11/01/04 – Conditional use permit to expand the church site and final site and building plans for church additions and site expansion. City Council approved. (Case 4556AB-04).

DEADLINE FOR AGENCY ACTION

Application Date:	03/14/2019
60 Days:	05/13/2019
Extension Letter Mailed:	No
120 Days:	07/12/2019
Applicable Deadline:	05/13/2019
Newspaper Notification:	Confirmed – (04/11/19 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

St. Stephen’s Lutheran Church is proposing a conditional use permit for a daycare facility at the existing place of assembly at 8400 France Avenue South. The daycare operated under temporary conditional use permits from 1985 through 2008. The daycare, unintentionally continued operation since 2008 without a permit. The proposed conditional use permit would be permanent and run with the property.

The daycare would provide services for a maximum of 99 children and would have a total of 17 employees. The hours of operation would be from 7:30am-4:30pm Monday through Friday. The existing classrooms are located on the main level of the facility. No interior or exterior building modifications are proposed.

ANALYSIS

Daycare uses are conditionally permitted in places of assembly and dedicated areas are limited to 25% of the total floor area. The total floor area of the place of assembly is 53,543 square feet, which allows 13,385 square feet for dedicated daycare use. The submitted floor plans identify 5,004 square feet dedicated to the daycare (9.3 percent). The daycare utilizes floor areas throughout the place of assembly including the sanctuary, library, youth room, chapel and three classrooms in the lower level.

The required place of assembly parking is 289 spaces and the required daycare parking is 24 spaces. There are 268 existing parking spaces. The largest uses with the most parking quantity are the sanctuary, activity center and narthex. Places of assembly typically do not fully occupy these spaces at one time. In addition, the daycare is in operation Monday-Friday which is outside of the normal hours for the place of assembly. Adequate parking is provided to accommodate the past and

proposed daycare use provided the sanctuary, narthex and activity center are not used concurrently. However, there could be scenarios where a funeral or event would occupy the place of assembly during the daycare hours of operation. It should be noted peak traffic demand for a daycare typically occur at drop-off and pick-up times Monday through Friday. Large events or funerals do not typically occur at the peak times or use the sanctuary and narthex concurrently.

Even though the daycare operates outside the normal hours of the place of assembly, it is important for the property to be aware how concurrent uses affect parking. Staff has included a non-concurrent use condition that prohibits the concurrent use of both the day care and all of the other spaces on site to comply with parking requirements.

Table 1: Parking Analysis

Use	Standard	Proposed Area	Required Parking
Sanctuary	1 space per 3 occupants	5,025 square feet	112
Activity Center	1 space per 3 occupants	4,226 square feet	94
Narthex	1 space per 3 occupants	3,726 square feet	83
Daycare	1.2 spaces per 10 program participants, plus 1 space per caregiver at maximum shift		24 spaces
Total (assuming full occupancy of all four spaces)			313 spaces
Parking provided			268

Landscaping upgrades are not triggered with this application. The approved landscaping plan from 2004 must continue to be in compliance. A portion of the lot has compliant exterior lighting. The rest of the site lighting must come into compliance by December 31, 2020.

Typical with daycare uses, an Environmental Health Plan application must be submitted for review and approval. The existing food license must continue to be maintained.

FINDINGS

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

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – The property is guided Quasi-Public by the Comprehensive Plan. License Daycare facilities located within a place of assembly are allowed as conditional limited in the R-1 Zoning District provided a conditional use permit is issued. The proposed use is not in 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 in an adopted District Plan area.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – Subject to compliance with the conditions of approval, the use meets the City Code requirements.
(4) The proposed use will not create an	Finding Made – The use is not of a scale or nature to create an

<p>excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.</p>	<p>excessive burden on parks, schools, streets and other public facilities and utilities. The property is located on an arterial street, which provides efficient travel for the daycare users.</p>
<p>(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.</p>	<p>Finding Made – The proposed use is not injurious to the surrounding neighborhood and will not harm the public health, safety and welfare. The proposed use has been in existence for over 30 years and has not been injurious to the surrounding neighborhood.</p>

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 April 30th.

Staff recommends the following motion:

In Case PL2019-38, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a daycare in an existing place of assembly at 8400 France Avenue South, subject to the conditions and Code requirements attached to the staff report.