



Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Date: October 16, 2008

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Appeal of the decision of the City Planning Commission denying applications for a conditional use permit for the extension of hours open to the public for the reception meeting hall to the public to 2:00 am, Friday through Sunday and a variance to reduce the minimum off-street parking requirement for a shopping center from 121 parking stalls to 55 parking stalls, where four stalls are provided and 51 stalls are grandfathered for the properties located at 1825 E Lake St, 3005 and 3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

Recommendation: The following action was taken by the Planning Commission on September 22, 2008 (BZZ-4124):

8. Cedar and Lake Shopping Center (BZZ-4124, Ward: 9), 1825 E Lake St, 3005 and 3015 Cedar Ave S (Shanna Sether).

A. Conditional Use Permit: Application by Suad Hassan/City Market and Halal Meat, Inc., on behalf of Cedar-Lake Revival, LLC, for a conditional use permit to allow for a shopping center in an existing building for the property located at 1825 E Lake St, 3005 and 3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a shopping center for the properties located at 1825 E Lake St, 3005 and 3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. The applicant will meet the specific development standards for Shopping Center in section 536.20 of the zoning code.
2. 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.

B. Conditional Use Permit: Application by Suad Hassan/City Market and Halal Meat, Inc., on behalf of Cedar-Lake Revival, LLC, for a conditional use permit to allow for extended hours of operation from 6:00am to 10:00pm Sunday and 6:00am to 11:00pm Friday and Saturday to 2:00 am, Friday through Sunday for a reception and meeting hall for the property located at 1825 E Lake St, 3005 and 3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit to allow for extended hours of operation from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00pm Friday and Saturday to 2:00 am, Friday through Sunday for a reception and meeting hall for the properties located at 1825 E Lake St, 3005 and 3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

C. Variance: Application by Suad Hassan/City Market and Halal Meat, Inc., on behalf of Cedar-Lake Revival, LLC, for a variance to reduce the minimum off-street parking requirement for a shopping center from 121 parking stalls to 55 parking stalls, where four stalls are provided and 51 stalls are grandfathered for the property located at 1825 E Lake St, 3005 and 3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

Action: The City Planning Commission adopted the findings and **denied** the variance to reduce the minimum off-street parking requirement for a shopping center from 121 parking stalls to 55 parking stalls, where four stalls are provided and 51 stalls are grandfathered for the properties located at 1825 E Lake St, 3005 and 3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

Ward: 9

Prepared by: Shanna Sether, Senior Planner (612-673-2307) Approved by: Jason Wittenberg, Planning Supervisor Presenters in Committee: Shanna Sether, Senior Planner

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: Corcoran, East Phillips and Powderhorn Park were notified of the applications.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report

- End of 60/120-day decision period: On October 6, 2008, staff sent a letter to the applicant extending the 60 day decision period to no later than December 26, 2008.

Supporting Information

Suad Hassan/City Market and Halal Meat, Inc., on behalf of Cedar-Lake Revival, LLC, has filed an appeal of the decision of the City Planning Commission denying applications for a conditional use permit for the extension of hours open to the public for the reception meeting hall to the public to 2:00 am, Friday through Sunday and a variance to reduce the minimum off-street parking requirement for a shopping center from 121 parking stalls to 55 parking stalls, where four stalls are provided and 51 stalls are grandfathered for the properties located at 1825 E Lake St, 3005 and 3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District. At the same public hearing, the City Planning Commission voted to approve a conditional use permit to allow for a shopping center.

At its meeting on September 22, 2008, the City Planning Commission voted 7-1 to deny the conditional use permit to allow for the extension of hours open to the public and voted 8-0 to deny the variance to reduce the parking requirement. The appeal (attached) was filed on October 2, 2008. The City Planning Commission minutes and Planning Division staff report are attached.

The appellants have stated that the decisions are being appealed for the following reasons:

1. The evidence available to the Commission supports approval of the application and is insufficient to support denial of the application;
2. The findings of fact adopted by the Commission are not supported by the evidence, and the findings adopted are insufficient to support denial of the application;
3. The Commission was unreasonable, arbitrary and capricious in denying the application and treated the applicant less favorably than other similarly situated applicants; and
4. There is no permissible basis in the record on which to support denial of the application.

The appellant's complete statement of the action being appealed and reasons for the appeal are attached.

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits and Variance
BZZ-4124

Date: September 22, 2006

Applicant: City Market

Addresses of Property: 1825 East Lake Street, 3005 and 3015 Cedar Avenue South

Project Name: Cedar and Lake Shopping Center

Contact Person and Phone: Suad Hassan, (612) 481-0400

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: August 28, 2008

End of 60-Day Decision Period: October 27, 2008

Ward: 9 **Neighborhood Organization:** Corcoran Neighborhood Organization, adjacent to East Phillips and Powderhorn Park

Existing Zoning: C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 26

Legal Description: Not applicable for this application

Proposed Use: Shopping Center

Concurrent Review:

- Conditional use permit to allow for a shopping center in an existing building.
- Conditional use permit to allow for extended hours of operation from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00pm Friday and Saturday to 2:00 am, seven days a week for a reception and meeting hall.
- Variance to reduce the minimum off-street parking requirement for a shopping center from 121 parking stalls to 55 parking stalls, where four stalls are provided and 51 stalls are grandfathered.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 548, Article I, Commercial Districts, Chapter 525, Article IX, Variances, Chapter 536 Specific Development Standards and Chapter 541 Off-Street Parking and Loading

Department of Community Planning and Economic Development – Planning Division
BZZ-4124

Background: This site is located at the southeast corner of East Lake Street and Cedar Avenue South and is about ½ mile from the Lake Street LRT station. The Zoning Administrator has determined that the use of this property is a shopping center based on the floor plans submitted for review and approval by the Planning Commission. The existing multi-tenant building contains the following uses: basement – mosque, first floor – reception meeting hall, mosque, grocery store, coffee shop with seating, seven retail spaces and second floor – offices.

A building permit was obtained for multi-tenant infill retail buildings on December 12, 2004. These original plans were approved for storefront buildings. The zoning code defines a storefront building as a mixed use or multiple story building, which may share a common wall with one or more buildings, all of which front within 5 feet of a front lot line or public sidewalk, and where each ground floor use includes a separate principal customer entrance facing the street. The original plans showed the building placement up to the property lines on Lake Street and Cedar Avenue and separate retail tenant spaces individual entrances facing the streets. The original plans were approved administratively because a storefront building is a permitted use in the C2 District, the proposal was not subject to site plan review, and sufficient grandfather rights existed to meet the minimum parking requirement.

After receiving the permit in 2004, the applicant changed the proposal to then increase the number of tenant spaces and to link the individual tenant spaces by a common hallway. Some of the tenant spaces did not open onto the street, but opened onto the common hallways. The zoning code defines any unified development of two or more ground floor commercial uses, excluding offices, operated under common ownership or management, which may be connected by a common wall or may be freestanding, and which may include common parking and signage, but is not a storefront building, as a shopping center. The proposed changes to the development made the use a shopping center. Shopping centers require a conditional use permit in the C2 District. A conditional use permit for a shopping center and a parking variance from 58 spaces to zero spaces were denied by the Planning Commission on March 28, 2005, and by the City Council on appeal on May 13, 2005 (BZZ 2210). A new application was submitted July 11, 2005, for a conditional use permit to allow for a shopping center. This conditional use permit was denied by the Planning Commission on August 15, 2005, and by the City Council on appeal on October 21, 2005 (BZZ 2512).

The applicant has received additional building permits since the denial of both applications for a conditional use permit to allow for a shopping center. The first permit was issued in October 2006 for City Market, a grocery store with accessory uses of a bakery/coffee shop (without seating), money wiring and tobacco sales. The coffee shop, presently, has a seating area of 671 square feet and there is an additional seating area within the building of 948 square feet. The next permit was issued in January of 2008 for wood partitions for additional retail uses as an extension of the existing grocery store. However, these retail uses are not associated with the grocery store and are principal uses on the property. Moreover, these new tenant spaces do not open onto the street, but open into the common hallways. The changes to the development made the use a shopping center as the permits were issued in error. Shopping centers require a conditional use permit and site plan review in the C2 District. Finally, a permit was issued to allow for a meeting reception hall in February of 2008.

The permitted hours of operation in the C2 District are 6:00am-10:00pm Sunday through Thursday and 6:00am-11:00pm Friday and Saturday. The applicant has requested to be open to the public until 2 a.m.,

seven days a week for the reception meeting hall. The hours open to the public may be extended by conditional use permit, as provided in Chapter 525, Administration and Enforcement.

The above noted permits were issued with the understanding that sufficient parking rights were available. However, the mosque is occupying the building without required approvals, the seven tenant spaces operate independently of the grocery and the coffee shop and grocery now have seating area. The existing uses in the building require 161 off-street parking spaces. The property is located in the Transit Station Area Pedestrian Oriented Overlay District, which reduces the required off-street parking for commercial uses to only seventy-five (75) percent. Therefore, the required parking is 121 off-street spaces. There are four off-street parking spaces on the property. The previous uses and buildings located on this site yielded grandfather rights for parking of 51 spaces. Therefore, the applicants have requested a variance to reduce the minimum off-street parking requirement for a shopping center from 121 parking stalls to 55 parking stalls, where four stalls are provided and 51 stalls are grandfathered.

As of the writing of this staff report, staff has not received any correspondence from any of the neighborhood organizations. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow for a shopping center within an existing building

Findings as required by the Minneapolis Zoning Code for the conditional use permit: The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**
This site is zoned C2 Neighborhood Corridor Commercial District and is on a commercial corridor. The buildings are existing retail structures and the site is in compliance with the previously approved site plan review. By connecting seven of the tenant spaces of the retail buildings with an interior hallway, the project is defined as a shopping center under the zoning code. The uses located within the building are permitted in the C2 District. The use of the shopping center should have little impact on the surrounding area, if the uses meet the parking requirement. In addition, the shopping center will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances.
- 2. 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 use of the site as a shopping center should not be detrimental to the surrounding area, provided that the parking requirement is met. Retail is an appropriate use on a commercial corridor. The buildings have been placed up to the street and have individual entrances onto the street in conformance with the goals of traditional urban design.
- 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The site is served by existing infrastructure. The Public Works Department has previously reviewed the project for appropriate drainage and stormwater management in or over the public right of way and the previously approved site plan is in compliance.

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

A conditional use permit for a shopping center and a parking variance from 58 spaces to zero spaces was denied by the Planning Commission on March 28, 2005, and by the City Council on appeal on May 13, 2005 (BZZ 2210). Parking for the grocery, offices and retail uses is based on one space per each 300 square feet of gross floor area, after the first 4,000 square feet, but a minimum of four spaces for each tenant space over 100 square feet. The reception meeting hall, mosque, and seating area for the food and beverage uses require parking for 30% of the occupancy, based on one person per 15 square feet of customer area. There are 9 tenants that require four spaces each (over 100 square feet, but under 4,000 square feet), this creates a requirement of 36 spaces. The reception meeting hall requires 62 spaces, the mosque requires 31 spaces, the coffee shop requires 13 spaces and the general seating area requires 19 spaces. The total for all the uses is 161 spaces. The site is in the Pedestrian Oriented (PO) Overlay District, which provides that 75 percent of the parking requirement for the commercial uses specified by Chapter 541 of the zoning code be provided. This reduces the required parking to 121 spaces. There are four spaces provided on site. The site has grandfather rights for 51 parking spaces. The applicant has requested a variance to reduce the required number of stalls from 121 to 55, where 51 are grandfathered. The applicant has not provided an alternative means to providing parking that will minimize traffic congestion of the public streets for the uses that require the additional parking. Staff believes that the use would be appropriate if the parking requirement is met.

5. Is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan designates this portion of Lake Street as a commercial corridor. The plan states that, “Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. The buildings and structures on these streets are generally similar to traditional commercial storefronts and the siting and massing of new structures should respect this typology. These corridors must balance both pedestrian and automobile orientation in their design and development. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.”

The site is also in a Transit Station Area (TSA). *The Minneapolis Plan* states the following about TSAs has the following relevant policies:

Transit Station Areas (TSAs) are designated on the Land Use Policy Map. The Minneapolis Plan does not delineate the precise geographic extent of these policy areas. The following general characteristics should be used to guide policy application and implementation steps in these areas:

- TSAs will be the subject of established master plans that identify and/or prioritize areas for change (and preservation), as well as specific goals and objectives for redevelopment, public infrastructure, density and urban design.

- TSAs are areas approximately one-half mile in radius from transit stations, reflecting an understanding that most walking trips to and from transit stations are ten minutes or less in duration. Density, urban design, and public infrastructure is, therefore, especially critical in these areas. The actual size of this area is influenced by directness of routes, physical barriers, and the potential for those barriers to be bridged.
- Potential TSA densities and/or redevelopment opportunities are generally highest within 1/4 mile of the transit station, but are also dependent upon factors such as existing neighborhood character and land cost and availability.
- TSA development is designed with the pedestrian, bicyclist, and/or transit user in mind.
- TSA development serves individuals who are more likely to use transit (e.g., residents of multi-family housing and office and retail workers)
- TSA development includes small-scale retail services that are neighborhood in scale and from which pedestrians, bicyclists, and/or transit riders are likely to benefit (e.g., coffee shop, day care, dry cleaners, small-scale grocery, flower shop)

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps

Explore and pursue opportunities to integrate development with transit stations.

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)

Work in partnership with neighborhoods and businesses to enhance the safety and aesthetics of TSA streets and sidewalks through installation of streetscape elements (e.g., lighting, trees, and street furniture).

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form.*)

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

4.20 Minneapolis will provide direct connections to transit stations for pedestrians, bicyclists, and bus riders.

Implementation Steps

Design streets, sidewalks, and other public infrastructure to prioritize pedestrian, bus and bicycle access to transit stations (e.g., create wider sidewalks; construct pedestrian bridges, tunnels, and plazas; add bicycle lanes and parking; create bus lanes, pull-outs, and waiting facilities.)

Work with transit service providers to ensure that bus connections to transit stations are safe, attractive and easy to use (e.g., establish appropriate signage and waiting facilities on important connecting local bus routes)

Enhance pedestrian connections to stations where walking environments are unsafe or uninviting (e.g., buffering pedestrians from traffic, reducing intersection crossing distances, installing traffic control devices, limiting the size and number of curb cuts, improving streetscapes including lighting and landscaping, installing public art, etc.)

Mitigate physical barriers that prevent easy access for pedestrians to the stations (e.g., bridging highways or high-volume roadways, creating safe pedestrian underpasses, acquiring new public rights-of-way and passages, etc.)

Enhance pedestrian connections and wayfinding from neighborhoods with high concentrations of transit users.

Work in partnership with neighborhoods and businesses to ensure that primary pedestrian and bicycle routes are well maintained, free of obstacles, and cleared of snow and litter.

Establish working relationships with institutions, large employers, and/or landowners to encourage transit use and improve wayfinding to/from transit.

4.21 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

Implementation Steps

Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.

Allow reductions in minimum off-street parking requirements.

Support shared use of parking by commercial uses with different peak periods of parking demand.

Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.

Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.

Provide density bonuses for land uses that provide parking underground or within structures.

Use parking meters and other parking management practices to ensure an adequate supply and turnover of on-street parking for commercial activities.

Discourage long-term on-street parking by non-residents.

Work in partnership with the Metropolitan Council to evaluate and address the impact of automobile traffic and parking generated by the presence of transit stations.

Limit parking facilities in neighborhoods that are exclusively for the use of transit riders.

Work in partnership with other entities to identify opportunities for shared parking facilities to strategically support the development within TSAs.

The use of the site for a shopping center as proposed is in conformance with the above noted goals of the comprehensive plan, as it has a mix of uses and the buildings are designed with principals of traditional urban design.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

In addition to the conditional use permit, a conditional use permit to extend the hours of operation until 2 a.m. daily, for the existing reception meeting hall and a variance to reduce the required off-street parking are required and the proposed use is subject to the following Specific Development Standards, addressed in Chapter 536:

Shopping center.

- (1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.

- (2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.
- (3) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

The building and intended use shall comply with all of the development standards.

CONDITIONAL USE PERMIT (to allow extended hours)

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. **May be detrimental to or endanger the public health, safety, comfort or general welfare.**
The permitted hours of operation in the C2 District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant proposes to have the reception meeting hall open until 2 a.m., seven days a week. There are a number of concerns from staff about the proximity of the proposed use to nearby residential uses and the greater impact of a reception meeting hall with late hours with lighting, car traffic and noise that may prove to be detrimental to comfort and general welfare.
2. **May 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.**
Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:
 - a) Proximity to permitted or conditional residential uses. The nearest residential uses are adjacent to the subject property to the south and located across the alley to the east of the subject property. The uses along Lake Street East are predominately commercial uses. The facility's parking lot only supports four spaces; therefore, the majority of vehicles will be parked on the street immediately adjacent to the residential uses. There are a number of concerns from staff about the proximity of the proposed use to nearby residential uses and the greater impact of a reception meeting hall with late hours with lighting, car traffic and noise that may prove to be detrimental to comfort and general welfare.
 - b) Nature of the business and its impacts of noise, light and traffic.
The business with proposed extension hours of operation is a reception meeting hall. The business currently has significant impact to noise, light and traffic.
 - c) Conformance of use. The reception meeting hall is located within an existing shopping center; the shopping center is a conditional use in the C2 District. There are concurrent applications are being review the conditional use permit for the shopping center and a

variance to reduce the required parking. If the conditional use permit for extended hours is approved, then the proposed hours will be in conformance with the code.

d) Complaints received. The existing reception meeting hall has had several complaints to the Minneapolis Licensing office and the Minneapolis Police Department. The reception meeting hall was operating without a required City license. The Minneapolis Police and Licensing Departments have closed the operation of the reception meeting hall a couple of times, even after they were told they did not have a license.

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

See previous findings under #3 for the Conditional Use Permit to allow for the shopping center.

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

The reception meeting hall is required to provide 45 off-street parking spaces, which includes the TSA-PO reduction. The site has four off-street parking spaces and the buildings have 51 grandfathered stalls. The applicants have also requested a variance to reduce the required number of off-street parking stalls to accommodate all of the uses in the building. The Third Precinct officer has reported that traffic and speeding down the alley have been complaints by the block club.

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

The Minneapolis Plan shows this part of Cedar Avenue South as a community corridor. The plan states the following about uses on community corridors: “Today, these important streets that run through the city’s many communities connect neighborhoods, serve as a principal travel route for many residents and visitors, and are almost always characterized by their limited mixed use. These streets serve as community corridors. Commercial services do not overwhelm the character of these streets, but there are normally clustered storefronts or services found along their lengths. They do not create noise, significant traffic or disruption to neighbors by being open to the public for extended hours.” Commercial uses on these streets will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings.

The plan has the following relevant policies and implementation steps for community corridors and commercial areas:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Implementation Steps

Designate a network of Community Corridors.

Promote more intensive residential development along these corridors where appropriate.

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street's capacity to carry current volumes of traffic.

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

Ensure that commercial uses do not negatively impact nearby residential areas.

4.4 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.

Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Encourage coordination and communication between business associations and neighboring residents groups.

While the use of the proposed use of the shopping center is in conformance with this language of the comprehensive plan, the potential impact on the residential uses until 2 a.m. daily, seven days a week is not in conformance with this language of the plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

With the approval of the concurrent applications, the conditional use permit will conform to the applicable district regulations.

VARIANCE – to reduce the required parking for the shopping center

Findings Required by the Minneapolis Zoning Code:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

There is no room for the additional parking on the site. The applicant has indicated the site's

proximity to transit (bus routes and LRT) and an attempt to secure shared parking in the area. While a reduction in required parking is a goal around transit station areas, the proposed variance is a 66 space reduction after the transit reduction, 4 spaces provided and grandfather rights have been applied. The use would be required to have 161 spaces before the transit and grandfather rights are subtracted. It is staff's opinion that the applied reduction for transit, provided parking and grandfather rights provides a reasonable use of the property and that the desire to increase the occupancy and intensity of the property is not a hardship.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

While, there is no room for additional parking, the need for the variance is largely based on the mix and intensity of uses that the applicant proposes for the building. This site is located near transit, including several bus routes and the Lake Street LRT station. This situation is not generally applicable to other properties in the city, but is not a unique situation in this area around the Lake and Cedar intersection. Staff can not find a unique circumstance that justifies this large of a parking variance. Staff does recognize that some level of parking reduction is necessary, but believes that this has been provided through the transit reductions and application of grandfather rights.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of the parking requirement is to provide adequate parking spaces to meet the parking demands of a use. The pedestrian and transit oriented use variance was designed to recognize that some uses may not need all of the parking required by code since the use may draw pedestrian traffic or may have access to transit. There are bus routes and an LRT station nearby and the applicant has indicated that many of the anticipated customers to the site will come from the nearby residential buildings. Granting a variance that recognizes the pedestrian and transit trade is within the spirit of the ordinance; however, granting a variance of this size without evidence that the majority of the traffic to the site will be pedestrian and not vehicular does not meet the intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed variance should not increase the danger of fire or endanger public safety. It may cause congestion in the street. While some parking reduction is necessary in areas around transit stations, the proposed variance of 66 spaces is significantly beyond the 25 percent transit reduction and 51 space reduction for grandfather rights already applied to the site. This may cause congestion in the public streets.

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 above findings and **approve** the application for a conditional use permit to allow a shopping center for the properties located at 1825 East Lake Street, 3005 and 3015 Cedar Avenue South in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. The applicant will meet the specific development standards for Shopping Center in section 536.20 of the zoning code.
2. 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.

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 **deny** the conditional use permit to allow for extended hours of operation from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00pm Friday and Saturday to 2:00 am, seven days a week for a reception and meeting hall for the properties located at 1825 East Lake Street, 3005 and 3015 Cedar Avenue South in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the minimum off-street parking requirement for a shopping center from 121 parking stalls to 55 parking stalls, where four stalls are provided and 51 stalls are grandfathered for the properties located at 1825 East Lake Street, 3005 and 3015 Cedar Avenue South in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

Attachments:

1. Statement of use and findings
2. July 2, 2008, e-mails to CM Schiff and applicable neighborhood organizations
3. Zoning map
4. Site plan, floor plans and elevations
5. Photos of the site and surrounding area
6. Oblique aerials

