



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

Date: February 3, 2010

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

Referral to: Zoning & Planning Committee

Subject: Scott Harris, on behalf of U.B. Liquors, LLC dba Merwin Liquors, has appealed the decision of the City Planning Commission to approve applications for site plan review, a conditional use permit to allow an off-sale liquor store and a minor subdivision for a building addition resulting in an 11,896 square foot building at 201-229 West Broadway. A second appeal was received from the West Broadway Business and Area Coalition and the Hawthorne Neighborhood Council that relates to the approval of the conditional use permit only. The existing building at 229 West Broadway currently contains BJ's Liquor Lounge, an adult entertainment use. The applicant is proposing a 14,587 square foot two-story addition on the east side of the site that will contain an off-sale liquor store on the first floor and up to three office tenants on the second floor. The existing building at the corner will contain a restaurant use. The applicant is also proposing to adjust the common lot line between the properties of 217 West Broadway and 201 West Broadway by moving the lot line 12.8 feet to the east.

Recommendation: The following action was taken by the Planning Commission on January 10, 2011 (BZZ-5040):

10. West Broadway and Washington Mixed-Use (BZZ-5040 and MS-209, Ward: 5), 201-229 West Broadway.

A. Conditional Use Permit: Application by Scott England of DJR Architecture, on behalf of Land Ho, LLC, for a conditional use permit for an off-sale liquor store in the I1 District located at 201-229 West Broadway, in the I1 and PO Districts.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow an off-sale liquor store in the I1 District for the property located at 201-229 West Broadway, 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. The use shall comply with all requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

B. Site Plan Review: Application by Scott England of DJR Architecture, on behalf of Land Ho, LLC, for a site plan review for property located at 201-229 West Broadway, in the I1 and PO Districts.

Action: The City Planning Commission adopted the findings and **approved** the site plan review for a building addition for a multi-tenant commercial building at the property of 201-229 West Broadway, subject to the following conditions:

1. CPED Planning staff review and approval of the final site, elevation, floor and landscaping plans.
2. All site improvements shall be completed by January 10, 2012, unless extended by the Zoning Administrator, or the approvals may be revoked for noncompliance.
3. A merchandising plan shall be submitted illustrating that first floor or ground floor windows will allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four feet and seven feet above the adjacent grade, in compliance with Section 530.120 of the zoning code.
4. In addition to the required short-term bicycle parking spaces, a minimum of one long-term bicycle parking space shall be provided for the office use, in compliance with Section 541.180 of the zoning code.
5. The furnishings proposed on West Broadway and to the rear of the building shall be of the same quality and located in the spaces shown on the site plan, provided the necessary approvals are obtained by Public Works to allow furniture in the right-of-way.

C. Minor Subdivision: Application by Scott England of DJR Architecture, on behalf of Land Ho, LLC, for a minor subdivision to adjust the common lot line between the properties at 201 West Broadway and 217 West Broadway.

Action: The City Planning Commission adopted the findings and **approved** the minor subdivision to adjust the common lot line for properties at 201-229 West Broadway.

Ward: 5

Prepared by: Kimberly Holien, City Planner (612-673-2402) Approved by: Jason Wittenberg, Planning Manager Presenters in Committee: Kimberly Holien, City Planner

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The Northside Residents Redevelopment Council and Hawthorne Neighborhood Council were notified of the application on November 22, 2010.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On January 25, 2011, staff sent a letter to the applicant extending the 60 day decision period to no later than March 29, 2011.

Supporting Information

Scott Harris, on behalf of U.B. Liquors, LLC dba Merwin Liquors, has appealed the decision of the City Planning Commission to approve applications for site plan review, a conditional use permit to allow an off-sale liquor store and a minor subdivision for a building addition resulting in an 11,896 square foot building at 201-229 West Broadway, in the I1 and PO Districts. At its meeting on January 10, 2011, the City Planning Commission voted to approve all applications. The City Planning Commission minutes and Planning Division staff report are attached.

The appellant's statement cites five primary reasons for the appeal. First, they dispute the determination that the project is an expansion of the existing building at 229 West Broadway. Second, they suggest that if the project is considered an expansion of an existing building; it is increasing the non-conformity of said building in terms of the floor area ratio. The third and fourth issues noted in the appeal statement assert that the application did not include a proper review for a change of non-conforming use. Finally, the appellant contends that the project does not meet the 2,000 spacing requirement for off-sale liquor stores, which is found in Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances. The appellants' complete statement of the actions and reasons for the appeal are attached.

As stated above, a second appeal was received from the West Broadway Business and Area Coalition and the Hawthorne Neighborhood Council that relates to the approval of the conditional use permit only. This appellant cites concerns with the concentration of off-sale liquor stores, weak operating conditions that may impact public safety, concerns with the applicant's lack of experience operating a liquor store or operating a business in North Minneapolis in general, and concerns about the applicant's ability to lease commercial space. This complete statement has been attached for review.