

**Department of Community Planning and Economic Development – Planning
Division
Conditional Use Permit
BZZ-4554**

Date: September 28, 2009

Applicant: The Bridgewater Lofts, LLC, Attn: Lynn Leegard, 3200 Main Street NW,
Suite 300, Coon Rapids, MN 55448, (763) 421-3500

Addresses of Property: 1028 Washington Avenue South

Project Name: Sarpinos Pizzeria

Contact Person and Phone: Black Sea Enterprises, Inc., Attn: Jivko Sabev, 2610
Louisa Avenue, Mounds View, MN 55112, (612) 770-4096

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: September 1, 2009

End of 60-Day Decision Period: October 30, 2009

End of 120-Day Decision Period: Not applicable for this application.

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood
Association (DMNA)

Existing Zoning: C3A (Community Activity Center District), DP (Downtown Parking)
Overlay District, and DH (Downtown Height) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 20

Lot area: 103,812 square feet or 2.38 acres (total of PUD site)

Legal Description: Not applicable for this application.

Proposed Use: Extend the operational hours of a proposed business.

Concurrent Review:

- Conditional Use Permit to extend the hours of operation to 3 a.m. daily for a new
predominantly take-out/delivery pizza and pasta establishment.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits.

Background: The applicant is in the process of locating a pizzeria within a 1,650 square foot ground level tenant space in the Bridgewater Lofts Planned Unit Development located on the property at 1028 Washington Avenue South and proposes to extend the hours of operation until 3 a.m. daily. The property is zoned C3A and is located in the DP (Downtown Parking) Overlay District and the DH (Downtown Height) Overlay District. The use is permitted but a conditional use permit is necessary to extend the hours of operation beyond 1 a.m. daily which is allowed under the C3A district regulations. The majority of Sarpino's business as a pizza and pasta establishment would be take-out and/or delivery.

The Bridgewater Lofts mixed-use Planned Residential Development was approved on June 26, 2006 (BZZ-2837). The property included the entire block bounded by Washington Avenue South, 10th Avenue South, 11th Avenue South and 2nd Street South. The property was rezoned from I1 to the C3A district and the IL (Industrial Living) Overlay District was removed. Two other overlay districts, the DP (Downtown Parking), and DH (Downtown Height) Overlay Districts were maintained. As part of the conditional use permit for the PUD the majority of the site was demolished for new construction, however one existing building located at 212 11th Avenue South, was retained but the attached garage removed and replaced with a new garage. The second portion of the project included a total of 574,360 square feet of new construction incorporating 277 owner-occupied residential units constructed in a 7 to 10 story, U-shaped building with approximately 20,191 square feet of lower level retail located along Washington Avenue South and 10th Avenue South. Exceptions that were requested under the PUD were for height and number of loading spaces. The project replaced an existing liquor store, gas station, surface parking lot and empty warehouse. The project included 532 enclosed parking spaces located in a 3-story underground parking garage, 23 parking stalls located within the building at the interior of the site for the retail uses, 18 existing surface stalls located adjacent to 11th Avenue South, and 16 parking spaces to be located in the proposed garage for a total of 589 parking spaces. A center courtyard and planters located along 10th Avenue South as well as parking lot improvements to the existing surface lot along 11th Avenue South were also included in the proposal. The proposal included parking for 277 bicycles as well. In addition to the rezoning application and conditional use permit for a PUD, site plan review and a preliminary and final plat were also required and approved.

Staff has not received any official correspondence on the proposed application from the Downtown Minneapolis Neighborhood Association (DMNA) or any neighborhood letter prior to the printing of this report. Correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

CONDITIONAL USE PERMIT – for extended hours

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above 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.

Planning Staff would not expect that granting a conditional use permit to extend the operational hours for the proposed business would be detrimental to or endanger the public health, safety, comfort or general welfare. There are several bars and restaurants in the immediate vicinity with extended hours, and the addition of another with late night hours would not be expected to have negative impacts on the surrounding area. Further, there will be minimal seating, the majority of the business is expected to be take-out/delivery and the tenant storefront would face Washington Avenue South. Planning Staff consulted with the applicable Police Precinct which expressed some concern for the proposed extension of hours at this time due to the fact that a former business in the general vicinity had issues with loitering when operating under extended hours. Planning Staff believes that the two uses aren't comparable, and that there has been an overall change in the area that has stabilized the vicinity.

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.

Staff would not expect that allowing the proposed business to operate with extended hours would be injurious to the use and enjoyment of other property in the vicinity nor would it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. As previously mentioned, there are several bars and restaurants located in close proximity to the subject site and many of these establishments have late night operational hours. The proposed use and hours of operation are compatible with the adjacent land uses and zoning classifications.

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

The utilities, access roads, and drainage are existing and adequate.

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

The application for extended hours should not have any additional impacts on congestion in the public streets. The overall development was approved in 2006 and constructed a short time later. The project originally included 532 enclosed parking spaces located in a 3-story underground parking garage and 23 parking

stalls located within the building at the interior of the site for the ground level retail uses. Recognizing that abundant public parking is available in the area, recent changes to Chapters 541 and 551 of the Zoning Code no longer require off-street parking for the non-residential uses within the development. The specific provision is Section 551.765(3) which states that nonresidential uses located in the C3A district in that portion of the central riverfront located between Hennepin Avenue and I-35W and between Washington Avenue and the Mississippi River shall not be required to provide accessory off-street parking facilities.

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

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood as found on the concept plan map. The property is also subject to the Update to the Historic Mills District Master Plan. According to the Principles and Policies outlined in the *Minneapolis Downtown 2010 Plan*, the following apply to this proposal:

- Support the retention and development of neighborhood-serving retail (Housing Policy 9).

The proposal to extend the permitted operational hours of this business should not have negative impacts on residential areas as the impacts from this particular business would be expected to be minimal.

The Update to the Historic Mills District Master Plan was adopted by the City Council on September 14, 2001. The plan calls for residential developments on the block with commercial uses located on the ground floor along Washington Avenue South. The plan further guides streetscape improvements for the block which the proposal is in full conformance with. As proposed, this development is in conformance with those guidelines.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

If the conditional use permit is approved, the development would appear to comply with all of the applicable provisions of the C3A district. Proposed signage for the pizzeria will need to comply with the requirements in the Zoning Code and a separate permit will need to be attained. Further, any window signage proposed will need to comply with Section 543.480 of the Zoning Code.

Additional Findings Required for Extension of Hours Open To the Public:

(1) Proximity to permitted or conditional residential uses.

The properties located within the immediate vicinity are zoned C3A, I1, B4S-1, and B4S-2. The subject parcel abuts C3A zoning to the north, I1 zoning to the east and B4S-1 and B4S-2 to the south and west of the site. There are residential uses located within close proximity to the business, as residential units occupy the upper floors within the building on the subject site; a hotel and residential structure are located on the block across 10th Avenue South. There are also residential units in some of the upper floors of buildings that are located across Washington Avenue South. As previously mentioned the site is zoned C3A and other businesses located in the immediate vicinity have extended hours of operation.

(2) Nature of the business and its impacts of noise, light and traffic.

Planning Staff would not expect the proposal to result in substantive impacts of noise, light and traffic in the immediate vicinity. Any noise or light emanating from the business would be minimal and directed towards Washington Avenue South. While no parking is required, off-street parking would be provided within a parking lot at the interior of the site.

(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The proposed business would be located in a 1,650 square foot ground level tenant space in the Bridgewater Lofts Planned Unit Development. With the approval of the conditional use permit for extended hours the proposal would be in conformance with the applicable zoning regulations.

(4) History of complaints related to the use.

There is no history of complaints related to the use on the premises as the use is just being established. Planning Staff has consulted with the City's Police Precinct officer regarding the proposed extension of operational hours. Some concern was expressed due to the fact that a former business in the general vicinity had issues with loitering when operating under extended hours. Planning Staff believes that the two uses aren't comparable, and that there has been an overall change in the area that has stabilized the vicinity.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to extend the permitted hours of

operation in the C3A district to 3 a.m. daily for Sarpinos Pizzeria located on the property at 1028 Washington Avenue South 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. Compliance with the window sign provision as stated in Section 543.480 of the Zoning Code.
3. Any proposed signage for the new business shall meet the requirements of the Zoning Code. A separate sign permit must be obtained from the Zoning Office.

Attachments:

1. Statement / Findings – Conditional Use Permit
2. Correspondence
3. Zoning map
4. Plans –site plan and floor plan