

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permits
BZZ-4875

Date: August 16, 2010

Applicant: Hope Health Care, Inc.

Address of Property: 4016 Bloomington Avenue

Project Name: Dining Hall Rental

Contact Person and Phone: Christiana Greene (612) 328-4819

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: July 13, 2010

End of 60 Day Decision Period: September 11, 2010

Ward: 8 Neighborhood Organization: Bancroft Neighborhood Association

Existing Zoning: C2 Neighborhood Corridor Commercial District

Zoning Plate Number: 32

Legal Descriptions: Not applicable

Existing Use: Development achievement center (adult daycare)

Concurrent Review:

Conditional Use Permit: To allow a reception or meeting hall in the C2 district.

Conditional Use Permit: To extend the hours of operation for the reception or meeting hall on Fridays and Saturdays from 11:00 p.m. to 3:00 a.m. and Sundays from 10:00 p.m. to 3:00 a.m.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 548 Commercial Districts

Background: Hope Adult Daycare, Inc. has submitted two conditional use permit applications to establish a reception or meeting hall in an existing adult daycare and allow late night hours for said use. Hope Adult Daycare is located in an existing commercial strip center along with two retail uses. The existing adult daycare use is classified as a development achievement center. The use contains a kitchen area and dining room that the applicant is requesting to utilize as a reception or meeting hall after hours. Specifically, the reception or meeting hall would operate from 7:00 p.m. to 3:00 a.m. on Friday, Saturday and Sunday. A conditional use permit for a shopping center was approved for the site in 2003 per BZZ-1040.

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The permitted hours of operation in the C2 Neighborhood Commercial Districts are from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and from 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant is proposing to be open until 3:00 a.m. on Friday, Saturday and Sunday. The extended hours of operation require a conditional use permit and an application has been submitted accordingly. Reception or meeting halls are permitted conditional uses in the C2 district. A second conditional use permit has been applied for to allow this use.

A site plan was approved for the site with the land use application in 2003. The site is in compliance with the previously approved site plan. Reception or meeting halls are subject to specific development standards, as outlined below:

1. Where alcoholic beverages are served, the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
2. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

The statement submitted by the applicant indicates that they will not seek a liquor license and the use of alcohol will be strictly prohibited at all times.

CONDITIONAL USE PERMIT (To allow a reception or meeting hall in the C2 district.)

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. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

This site is zoned C2 Neighborhood Corridor Commercial District, is on a community corridor and is within the boundaries of a neighborhood commercial node. The building is an existing commercial strip center and the site is in compliance with the previously approved site plan. The applicant is proposing to utilize a portion of the existing adult daycare as a reception or meeting hall after regular business hours. The tenant space is 10,848 square feet in area and the portion to be utilized as a reception or meeting hall is 3,248 square feet in area. Specifically, the reception or meeting hall would utilize the kitchen, dining room and entrance vestibule in the northeast corner of the tenant space. Allowing this shared use of an existing commercial space 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.**

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The use of the site as a reception meeting hall should not be detrimental to the surrounding area. The subject tenant space is the center space in a commercial strip center with a vacant retail space to the north and a second retail space to the south. While there are residential uses across Bloomington Avenue to the east, the entrance to the reception or meeting hall use is over 200 feet from the closest residential property line to the east. There are additional multi-family residential uses to the west, behind the building. A food and beverage use is an appropriate use on a community corridor and within a neighborhood commercial node. No external modifications are proposed to accommodate the use and, due to different hours of operation, the proposed use will not conflict with the existing adult daycare.

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

The site is served by existing infrastructure and roads and utilities are adequate. The site is in compliance with the previously approved site plan.

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

The parking requirement for the proposed reception or meeting hall and the requirement for the retail uses in the shopping center is as follows:

Use	Requirement	Size	Spaces Required
Reception or Meeting Hall	30 percent of the capacity of persons	3,248 sq. ft.	38 spaces
Development achievement center	1 space per 500 sq. ft. of GFA, + 2 drop off spaces	10,848 sq. ft.	22 spaces
Retail space	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft.	18,642 sq. ft.	37 spaces

The site has 100 surface parking stalls. The reception or meeting hall will not operate at the same time as the development achievement center (adult daycare). Therefore, the maximum number of parking stalls that would be required at any given time is 75 spaces. Due to the amount of off-street parking available, congestion in the adjacent public streets is not expected to result from the establishment of the use.

There is no bicycle parking requirement for the reception or meeting hall. In any case, there are 6 bicycle parking spaces located on site.

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

The subject site is located on Bloomington Avenue, which is a community corridor in this location. The site is designated as urban neighborhood on the future land use map and is located within the boundaries of a Neighborhood Commercial Node. The following policies of *The Minneapolis Plan for Sustainable Growth* apply to the site:

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Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- 1.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node's main intersection.
- 1.11.2 Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood.
- 1.11.3 Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.
- 1.11.7 Encourage the redevelopment of vacant commercial buildings and direct City services to these areas.

Allowing the shared use of this commercial space to accommodate a reception or meeting hall is consistent with the above policies of the Comprehensive Plan. An additional after-hours use in this tenant space will support the presence of a commercial space located on a Community Corridor and in a Neighborhood Commercial Node. While a reception or meeting hall use may be a concern in many locations on Community Corridors, the subject area is zoned C2, not C1. Thus, a wider selection of commercial uses is allowed and other food and beverage and commercial recreation uses have previously been established in the area.

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 conditional use permit and compliance with the hours of operation recommended below, the use will comply with all applicable regulations of the C2 district.

CONDITIONAL USE PERMIT (To extend the hours of operation for the reception or meeting hall on Fridays and Saturdays from 11:00 p.m. to 3:00 a.m. and Sundays from 10:00 p.m. to 3:00 a.m.)

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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. Will not 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 be open until 3:00 a.m. on Friday, Saturday and Sunday. The site is on a community corridor and within the boundaries of a neighborhood commercial node. Commercial uses on community corridors are generally small-scale retail sales and services that serve the neighborhood. While the proposed reception or meeting hall is a permitted conditional use, the proposed hours of operation would not be consistent with the character of the surrounding area. Allowing hours of operation until 3:00 a.m. may have detrimental impact on the comfort and general welfare of neighboring residential uses. In consideration of the residential character of the surrounding area, extended hours of a lesser degree may be more appropriate for this location.

The applicant has indicated that events held in the reception or meeting hall typically will not begin until 7:00 p.m. Due to the cultural nature of some events, they may not begin until as late as 10:00 p.m. The business operations and events would be conducted entirely within the building. In lieu of the hours requested by the applicant, staff recommends granting two additional hours of operation on the days requested. Two additional hours on Friday and Saturday would allow the use to operate until 1:00 a.m. on those days. Two additional hours on Sunday would allow the use to operate until 12:00 midnight. The extension of hours to 1:00 a.m. on Friday and Saturday and 12:00 midnight on Sunday should not prove detrimental to public health, safety, comfort or general welfare, provided the use complies with all applicable licensing 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.

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

- a) Proximity to permitted or conditional residential uses. With the exception of the neighborhood commercial node that the subject site is a part of, the area is predominantly residential. Directly east of the site, across Bloomington Avenue, is a mix of residential densities. Multiple-family residential uses are also located west of the site, across 15th Avenue S. Late night hours until 3:00 a.m. may be detrimental to the surrounding residential uses in terms of noise, traffic and other nuisances. However, as recommended above, allowing hours of operation until 1:00 a.m. on Fridays and Saturdays and until 12:00 midnight on Sundays would be more consistent with the character of the surrounding area and have a lesser impact on adjacent residential uses.

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- b) Nature of the business and its impacts of noise, light and traffic. The proposed use is a reception of meeting hall that would host events in the dining room of the adult daycare after regular business hours. The activities related to the use would be conducted primarily within the building, with the exception of patrons coming and going. The applicant has indicated that there will be attendants on site during rental hours to control any outside noise. The site has adequate off-street parking to limit traffic impacts and no additional exterior lighting is proposed as part of the project. Again, in lieu of the hours requested, staff is recommending that the use be allowed to operate until 1:00 a.m. on Fridays and Saturdays and 12:00 midnight on Sundays. These hours are more consistent with the character of a residential area along a Community Corridor.
- c) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards. The site is in compliance with the previously approved site plan. The establishment of the reception or meeting hall does not trigger any yard requirements and no exterior modifications are proposed to accommodate the use. As it relates to the specific development standards, the applicant has indicated that they will not seek a liquor license and that the consumption of alcoholic beverages will not be permitted on site. With the approval of the requested conditional use permit, the use would be in compliance with all applicable regulations.
- d) History of complaints related to the use. The proposed use has not yet been established on the site. Therefore, there is no history of complaints or police calls specifically related to the reception or meeting hall. In general, the property at 4016 Bloomington Avenue has had a limited number of police incidents in recent years. There have been two calls to the property thus far in 2010. There was also one call in 2009, two calls in 2008, four in 2007 and two in 2006. As of the writing of this staff report, staff had not received any feedback from the Commander of the 3rd Precinct. The findings submitted by the applicant state that an attendant will be present on site at all times during events.

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

Roads and utilities are existing and adequate.

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

Per the parking analysis above, the additional hours of operation are not expected to contribute to congestion in the public streets.

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

The subject site is located on Bloomington Avenue, which is a community corridor in this location. The site is designated as urban neighborhood on the future land use map and is located

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within the boundaries of a Neighborhood Commercial Node. The following policies of *The Minneapolis Plan for Sustainable Growth* apply to the site:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

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

1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

1.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node's main intersection.

1.11.4 Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood.

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

While the use would be located on a community corridor, the proposed hours of operation would increase the intensity of the use to a degree that would not be consistent with the character of the area. Per the Comprehensive Plan, neighborhood commercial nodes are generally areas that provide retail or service uses on at least three corners of an intersection. Uses within these nodes serve the surrounding neighborhood, with a limited number of businesses serving a larger area. Hours of operation until 3:00 a.m. would not serve the neighborhood and may be a nuisance for nearby residential properties. Staff recommends that, in lieu of the hours requested, the City Planning Commission approve extended hours until 1:00 a.m. on Friday and Saturday and 12:00 midnight on Sunday.

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.

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With the approval of the conditional use permits, the use will conform to the applicable district regulations.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for a reception or meeting hall:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** a conditional use permit to allow a reception or meeting hall for the property of 4016 Bloomington Avenue, subject to the following condition:

- 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.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for extended hours:

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 extended hours of operation from 10:00 p.m. to 3:00 a.m. on Sundays and from 11:00 p.m. to 3:00 a.m. Fridays and Saturdays and **in lieu thereof approve** a conditional use permit to extend hours of operation from 10:00 p.m. to 12:00 a.m. on Sundays and from 11:00 p.m. to 1:00 a.m. on Fridays and Saturday for the property of 4016 Bloomington Avenue, subject to the following condition:

- 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.

Attachments:

1. Statements from applicant.
2. Correspondence.
3. Zoning maps.
4. Site plans and floor plans.
5. Photos.